

SPECIAL MEETING OF THE PEABODY CITY COUNCIL
AUGUST 28, 2014

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

ABSENT: NONE.

HEARINGS

P582-14 COUNCILLOR GARABEDIAN – MOVE TO continue the public hearing on Remand hearing – 47 Newbury World Realty Trust, 47 Newbury Street, Peabody, MA, until the regular meeting on Thursday, September 11, 2014. (Carried 11-0)

A public hearing was duly held on the Zoning Map Amendment – 0 Willowdale Avenue (R), Assessors Map 39, Parcel 23. Appearing to speak on behalf of the Zoning Amendment was Attorney Athan Vontzalides. Attorney John Keilty, 40 Lowell Street, Peabody, MA, on behalf of Mr. Spiro Demakis, appeared to speak in favor. No one appeared to speak in opposition.

P583-14 COUNCILLOR GARABEDIAN – MOVE TO receive, under suspension of the rules, a communication from the Planning Board regarding Proposed Zoning Map Amendment; 0 Willowdale Avenue (R), Map 39, Parcel 23 from R-1A to BR. (Unanimous)

P584-14 COUNCILLOR MCGINN - BE IT ORDERED by the City Council of the City of Peabody that the following amendment to the Peabody Zoning Map be adopted as amended and 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 rezoning a portion of land shown as Parcel 23 on Assessors Map 39, identified as Lot A on a plan of land entitled Subdivision Plan of Land, AVV Realty, LLC, dated December 27, 2012 containing 17,632 ± square feet, known as and numbered 0 Willowdale Avenue (R), Peabody, MA, from Residence R-1A to BR Regional Business.

SECTION TWO: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE: This ordinance shall take effect as provided by law.
(Carried 11-0)

A public hearing was duly held on the application from Holden Oil, Inc., 91 Lynnfield Street, Peabody, MA. Appearing to speak on behalf of said application was Attorney Charles Martins and Mr. Charles Holden. No one appeared to speak in favor. No one appeared to speak in opposition.

P585-14 COUNCILLOR OSBORNE – BE IT ORDERED by the City Council of the City of Peabody that the application from Holden Oil, Inc., 91 Lynnfield Street, Peabody, MA, for a Special Permit to renovate an existing garage structure into a combination of office and garage facility for purposes of operating Holden Oil at 91-R Lynnfield 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: 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 11-0)

A public hearing was duly held on the application from DC Trust, LLC, d/b/a Auto Sense, 134R Newbury Street, Peabody, MA. Appearing to speak on behalf of said application was Attorney John Keilty. Ms. Carol Frechette, 222 Newbury Street, Peabody, MA, appeared to speak in favor. Mr. Gary Bistany, 220 Newbury Street, Peabody, MA; Mr. Scott Rubenstein, 218 Newbury Street, Peabody, MA; and Ms. Charmaine Frechette, 222 Newbury Street, Peabody, MA, appeared to speak in opposition.

P586-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, a communication from Attorney John Keilty, 40 Lowell Street, Peabody, MA, regarding a parking plan for 222 Newbury Street. (Unanimous)

P587-14 COUNCILLOR SASLAW - MOVE TO approve the application from DC Trust, LLC, d/b/a Auto Sense, 134R Newbury Street, Peabody, MA, for the transfer of a Class 2 Motor Vehicle License to 222 Newbury Street, Peabody, MA, subject to all papers being in order, and with the following conditions:

1. DC Trust, LLC, d/b/a Auto Sense will not operate on the property until October 1, 2014, and Four Star Towing will have until October 1, 2014, to either find a new location or turn in the license; and
 2. The maximum number of cars allowed will be twenty-five (25).
- (Failed 7-4; Councillor McGinn, Councillor Saslaw, Councillor Garabedian and Councillor Driscoll in favor)

AMENDMENT BY COUNCILLOR WALSH - MOVE TO continue the public hearing on the application from DC Trust, LLC, d/b/a Auto Sense, 134R Newbury Street, Peabody, MA, until the next regular meeting on Thursday, September 11, 2014. (Failed 8-3; Councillor McGinn, Councillor Walsh and Councillor Driscoll in favor)

P588-14 COUNCILLOR MANNING-MARTIN – MOVE TO take no action on Item D, Paul Kolodziej, Building Commissioner, regarding Transfer of Special Permit 39-2001; 10-2006 and 31-2009 to DC Trust, LLC, 222 Newbury Street. (Unanimous)

A public hearing was duly held on the application from Laurie A. Nadeau, 8 Sutton Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney John Keilty. No one appeared to speak in favor. No one appeared to speak in opposition.

P589-14 COUNCILLOR MCGINN – MOVE TO recess the public hearing on the application from Laurie A. Nadeau, 8 Sutton Street, Peabody, MA, until Thursday, September 11, 2014, and to request that the Building Commissioner and City Solicitor attend said hearing. (Unanimous)

A public hearing was duly held on the application from Bell Atlantic Mobile of Massachusetts Corp., Ltd. d/b/a Verizon Wireless, c/o 900 Elm Street, Manchester, NH. Appearing to speak on behalf of the application was Attorney Chris Swiniarski and Mr. Brendan Gill. No one appeared to speak in favor. Mr. John Swanson, 9 Welcome Street, Peabody, MA; Ms. Karin Anderson, 157 Lynn Street, Peabody, MA; His Honor Mayor Edward Bettencourt; Mr. Dean Fisher, 10 Welcome Street, Peabody, MA; Mr. John Thrasivoulos, 7 Welcome Street, Peabody, MA; Mr. Alex Gomes, 2 Greenwood Road, Peabody, MA; Mr. John Marshall, 5 Welcome Street, Peabody, MA; Ms. Elaine Marshall, 5 Welcome Street, Peabody, MA; Mr. Chris Finnegan, 2A Greenwood Road, Peabody, MA; Mr. Brian Goldsworthy, 34 Dexter Street, Peabody, MA; Ms. Kara Stathos-Berry, 4 Greenwood Road, Peabody, MA; Ms. Guadalupe Pierce, 3 Welcome Street, Peabody, MA; Ms. Shirley Caproni, 52 Aberdeen Avenue, Peabody, MA; Mr. Paul LeBlanc, 1 Welcome Street, Peabody, MA; Mr. Brian Porter, 8 Dexter Street, Peabody, MA; and Ms. Patricia Wright, 157 Lynn Street, Peabody, MA, appeared to speak in opposition.

P590-14 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, copies of photographs submitted by Mr. John Swanson. (Unanimous)

P591-14 COUNCILLOR OSBORNE – BE IT ORDERED by the City Council of the City of Peabody **NOT TO APPROVE** the application from Bell Atlantic Mobile of Massachusetts Corp., Ltd. d/b/a Verizon Wireless, c/o 900 Elm Street, Manchester, NH, for a Special Permit to allow a wireless communication facility at 161 Lynn Street, Peabody, MA, as filed in accordance with Sections 6.1, 7.9.3, and 15.7 of the Peabody Zoning Ordinance and be denied based on the following reasons:

1. The owner of the property at 161 Lynn Street, Peabody, MA, is not in a position to lease this lot under our Zoning Ordinance because he is a preexisting nonconforming use, and I believe that the intensity of the proposed use would add to the intensity of the current use, detract from the character of the neighborhood and have an adverse effect on adjacent properties, all which is in violation of our Zoning Ordinance for nonconforming uses;
2. That the use does not satisfy a desirable local need;
3. That the appearance would be injurious to the established or future character of the vicinity and the neighborhood;

4. The petitioner has not presented evidence to the City Council indicating that they have exhausted their alternatives beyond their preferred location for the cell tower at 161 Lynn Street, Peabody, MA. (Carried 10-0; Councillor Gould absent)

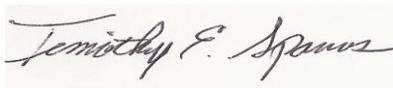
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Special meeting of the Peabody City Council adjourned at 9:10 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, SEPTEMBER 3, 2014

RETURNED BY HIS HONOR THE MAYOR, SEPTEMBER 3, 2014

ATTEST 
(Timothy E. Spanos, City Clerk)