

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**FEBRUARY 14, 2013**

PRESENT: COUNCILLORS: GARABEDIAN, LIACOS, GRAVEL, OSBORNE, MANNING-MARTIN, MELLO, ATHAS, GAMACHE, SINEWITZ, AND GOULD

ABSENT: COUNCILLOR DRISCOLL

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

Salute to the American Flag.

P81-13 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of January 24, 2013. (Unanimous)

COUNCILLOR GOULD - 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.

(COUNCIL PRESIDENT GOULD WELCOMED STUDENT GOVERNMENT DAY REPRESENTATIVES: ROMAN HENDERSON, COUNCILLOR AT LARGE (LIACOS); CHRIS DRUMM, COUNCILLOR AT LARGE (GRAVEL); KAYLEE BRAZELL, COUNCILLOR AT LARGE (MANNING-MARTIN); MATT MCISAAC, WARD 2 COUNCILLOR; RICHARD AIELLO, WARD 4 COUNCILLOR; KATE SARNO, WARD 6 COUNCILLOR; NICOLE DIORIO, CITY CLERK; AND CATARINA ROCHA; COUNCILLOR AT LARGE (GOULD))

P82-13 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding various re-appointments. (Unanimous)

P83-13 COUNCILLOR GAMACHE – MOVE TO approve the following re-appointments as submitted by His Honor the Mayor under date of February 7, 2013:

<b><u>NAME</u></b>	<b><u>POSITION</u></b>	<b><u>TERM TO EXPIRE</u></b>
Jason Panos 30 Reed Road Peabody, MA 01960	Board of Appeals	12/31/2015 (3-Year Term)
Peter Marcaurette 61 Emerson Avenue Peabody, MA 01960	Board of Appeals	12/31/2017 (5-Year Term)
Geoff Regan One Arielle Lane Peabody, MA 01960	Board of Appeals	12/31/2017 (5-Year Term)
Stephen Patten 4 Clinton Road Peabody, MA 01960	Board of Appeals (Alternate Member)	12/31/2014 (2-Year Term)
Alex DeRosa One Timothy Road Peabody, MA 01960	Board of Appeals (Alternate Member)	12/31/2014 (2-Year Term)
Susan Antonellis One Autumn Way Seabrook, NH 03874	Board of Assessors	09/06/2015 (3-Year Term)
Dr. Leigh Mansberger 11 Moody Lane West Newbury, MA	Board of Health	1 Mon. Feb. 2016 (3-Year Term)

<u>NAME</u>	<u>POSITION</u>	<u>TERM TO EXPIRE</u>
Thomas Pappas 173 Winona Street Peabody, MA 01960	Cable Commission (Alternate Member)	12/31/2013 (1-Year Term)
Warren Freedman 19 Samoset Road Peabody, MA 01960	Cable Commission	12/31/2015 (3-Year Term)
David Titelbaum 112 Lowell Street Peabody, MA 01960	Cable Commission	12/31/2015 (3-Year Term)
Christopher Gallagher Post Office Box 3494 Peabody, MA 01960	Cable Commission (Alternate Member)	12/31/2013 (1-Year Term)
Arthur Holden, Jr. 19 Tara Road Peabody, MA 01960	Cemetery Commission	02/01/2016 (3-Year Term)
Stan Smith 2 Marion Road Peabody, MA 01960	Cemetery Commission	02/01/2016 (3-Year Term)
Michael Gingras 2 Bartlett Street Peabody, MA 01960	City Auditor	06/01/2016 (3-Year Term)
Mary Codair 18 Conant Road Lynn, MA 01904	City Collector	12/31/2013 (1-Year Term)
Jeanne Carnevale 53 Lake Shore Park Peabody, MA 01960	City Treasurer	12/31/2013 (1-Year Term)
Rudy Van Oeveren One Norwich Road Peabody, MA 01960	Comm. Dev. Authority	12/31/2013 (1-Year Term)
Karen Sawyer 8 Sutherland Street Andover, MA 01810	Comm. Dev. Director	12/31/2016 (3-Year Term)
Michael Rizzo 40 Samoset Road Peabody, MA 01960	Conservation Commission	09/30/2015 (3-Year Term)
- Mark Smith 18 Douglas Street Peabody, MA 01960	Conservation Commission (Alternate Member)	09/30/2014 (2-Year Term)
Rev. Andrew Demotses 6 Gates Road Peabody, MA 01960	Council on Aging	09/30/2015 (3-Year Term)

<u>NAME</u>	<u>POSITION</u>	<u>TERM TO EXPIRE</u>
Sharon Cameron 75 Lake Shore Road Peabody, MA 01960	Director Human Services	09/30/2013 (1-Year Term)
Robert Langley 11 Norfolk Avenue Peabody, MA 01960	Director Public Services	12/31/2015 (3-Year Term)
Jennifer Davis 250 First Avenue, #422 Charlestown, MA 02129	Dir. Parks, Recreation, & Forestry	12/31/2013 (1-Year Term)
Karen Budrow 33 Chapel Street Gloucester, MA 01930	Human Resources Dir. City/School	12/31/2013 (1-Year Term)
John Weld 114 Raleigh Way Portsmouth, NH 03801	Outdoor Education Coordinator.	08/31/2013 (1-Year Term)
Joseph Gagnon 20 LeBlanc Drive Peabody, MA 01960	Planning Board	05/31/2017 (5-Year Term)
Daniel Doucette 30 Proctor Circle Peabody, MA 01960	Purchasing Agent	12/31/2013 (1-Year Term)
David Cronin 20 Livingston Drive Peabody, MA 01960	Supt. of Cemeteries	06/01/2015 (3-Year Term)
Christopher Tighe 54 Gardner Street Peabody, MA 01960	Veterans Agent	12/31/2013 (1-Year Term)
Todd Croce 13 Dana Road Peabody, MA 01960 (Carried 10-0; COUNCILLOR DRISCOLL ABSENT)	Wire Inspector	12/31/2013 (1-Year Term)

P84-13 COUNCILLOR GAMACHE - MOVE TO under suspension of the rules, to receive Item 7-B communication from His Honor the Mayor regarding Appointments to the Conservation Commission. (Unanimous)

P85-13 COUNCILLOR GAMACHE – MOVE TO approve the following appointments to the Conservation Commission as submitted by His Honor the Mayor.

<u>NAME</u>	<u>POSITION</u>	<u>TERM TO EXPIRE</u>
Mark S. Smith 18 Douglas Street Peabody, MA 01960	Conservation Commission	09/30/2014 (3-Year Term)
Paul Forte 6 Winnegance Avenue Peabody, MA 01960	Conservation Commission (Alternate Position)	09/30/2015 (2-Year Term)

(Carried 10-0; COUNCILLOR DRISCOLL ABSENT)

## HEARINGS

The City Council reconvened the recessed public hearing on the Special Permit application from Valter C. Barcamonte, 20 Lincoln Road, Peabody, MA. Appearing to speak on behalf of said application was Attorney David Ankeles. No one appeared to speak in favor. Mr. Robert Toro, 22 Lincoln Road, Peabody, MA, appeared to speak in opposition.

P86-13 COUNCILLOR MELLO – MOVE TO receive, under suspension of the rules, Item 8-C communication from Valter C. Barcamonte, 20 Lincoln Road, regarding Revised site plan. (Unanimous)

P87-13 COUNCILLOR MELLO - BE IT ORDERED by the City Council of the City of Peabody that the application from Valter C. Barcamonte, 20 Lincoln Road, Peabody, MA, for a Special Permit to extend a nonconforming, single-family dwelling with the construction of deck, addition of a family room to the rear, a farmers porch in front, and a two-car garage on the easterly side to replace the existing single-car garage at 20 Lincoln Road, Peabody, MA, as filed in accordance with Sections 1.5, 7.2 and 15.7 of the Peabody Zoning Ordinance, be approved based on the following reason and subject to the following 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. That the top panel of both garage doors be glass or some similar material;
2. That the peak of the gable for the garage not break the roofline of the house; and
3. That the commercial vehicle be parked overnight within the garage.

(Carried 10-0; Councillor Driscoll absent)

A public hearing was duly held on the Special Permit application from Melissa R. Guevin, 558 Lowell Street, Peabody, MA. Appearing to speak on behalf of said application was Ms. Melissa Guevin. No one appeared to speak in favor. No one appeared to speak in opposition.

P88-13 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-J communication from Sharon Cameron, Director, Department of Human Services, regarding Special Permit memo, 558 Lowell Street. (Unanimous)

P89-13 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-K communication from Blair Haney, Asst. Director of Planning, regarding Special Permit memo, 558 Lowell Street. (Unanimous)

P90-13 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that the application from Melissa R. Guevin, 558 Lowell Street, Peabody, MA, for a Special Permit to allow for canine pet care services/doggie daycare/boarding and grooming at said 558 Lowell 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 subject to the following 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. This Special Permit is approved on a six-month trial period subject to review by the City Council (7/14/13).
2. The drop-off hour starts at 7:00 a.m. Monday through Sunday.
3. There shall be a limit of ten (10) dogs on the property at any one time.
4. A kennel license shall be obtained by the applicant through the City Clerk.
5. The special permit will run with Melissa Guevin as the owner of the property; and
6. The handout from Melissa Guevin will be attached as part of the special permit.

(Carried 10-0; Councillor Driscoll absent)

A public hearing was duly held on the application from Palmetto Motor Sales, Ltd., 98 Foster Street, Peabody, MA. Appearing to speak on behalf of said application was Ms. Teresa Camerano. No one appeared to speak in favor. No one appeared to speak in opposition.

P91-13 COUNCILLOR ATHAS – MOVE TO approve the application from Palmetto Motor Sales, Ltd., 98 Foster Street, Peabody, MA, for a Class 2 Motor Vehicle License, subject to the following conditions:

**CONDITIONS:**

1. The hours of operation will be Monday through Saturday from 8:00 a.m. to 8:00 p.m. and on Sunday from 9:00 a.m. to 6:00 p.m. ;
2. A limit of 20 unregistered motor vehicles on the premises at any one time for sale or not for sale, sold or not sold, or in for repair; and
3. The former site plan for said property that was approved by the Building Inspector will be attached to the Special Permit. (Carried 10-0; Councillor Driscoll absent)

**REPORTS OF COMMITTEE**

**FINANCE COMMITTEE**  
**FEBRUARY 7, 2013**

P92-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – The Finance Committee had a meeting on Thursday, February 7th, 2013 to discuss the proposed library bond and an appropriation for the Welch School playground. Committee members in attendance that evening were myself, Councillor Athas, Councillor Liacos, Councillor Osborne was appointed in place of Councillor Gamache, and Councillor Gould was appointed in place of Councillor Driscoll. Also in attendance that evening was Councillor Manning-Martin. Appearing for the city was Mayor Bettencourt; as well as Patti Schaffer, the Director of Finance; and Martha Holden, Director of library; and also appearing was the project manager at the library, Lou Karamas. The item first discussed was the library renovations bond order. Many of the councillors had had the opportunity to visit the library and get a better understanding of the \$3.1 million that was being requested. A tour of the library had been conducted on Monday, February 4th. There was really no reason to take up a vote that evening because we had already requested that the advertisement be done, in terms of that bond itself; however, there was one motion that came out of committee and the motion was made by Councillor Liacos. (Report received)

P93-13 COUNCILLOR GRAVEL - – Reporting for the Finance Committee – MOVE TO request that His Honor the Mayor hire a structural engineer to review the main library and outline any potential funding issues with regards to repairs so that it can be planned out in the future. (Unanimous)

P94-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - The second item discussed that evening was the Welch School playground equipment. There was a proposal in the amount of \$70,000 to be transferred from CPC funds to allow for the completion of the playground. A presentation was made and a motion was made by Councillor Athas and approved by unanimous consent. (Report received)

P95-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - MOVE TO approve the following appropriation, as submitted by His Honor the Mayor, under date of January 17, 2013:

**FROM:**

CPC - Open Space Fund Balance - \$70,000.00  
(Carried 10-0; Councillor Driscoll absent)

**TO:**

Welch School Playground Equipment - \$70,000.00

P96-13 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-F communication from Julie B. Edwards, Missoula, Montana, regarding In support of library bond. (Unanimous)

P96A-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee – The committee met on February 7<sup>th</sup> to review the Library bond with regards to receiving further information on cost breakdowns. The committee was satisfied with its findings. (Report received)

P96B-13 COUNCILLOR GRAVEL – MOVE to suspend the rules to go to items 10-A thru 10-D, bond orders.  
(Unanimous)

P97-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - BE IT ORDERED by the City Council of the City of Peabody, that, in order to reduce interest costs, the Treasurer with the approval of the Mayor, is authorized to issue refunding bonds pursuant to G.L. c.44, §21A to refund all or any portion of the remaining principal of and redemption premium and interest on any bonds of the City outstanding as of the date of adoption of this Order, and for the payment of all costs incidental and related thereto, and that the Mayor and the Treasurer are each authorized to take any and all other action necessary to carry out the purposes of this Order, and that said bond order be adopted as advertised and read. (Carried 10-0; Councillor Driscoll absent)

P98-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - BE IT ORDERED by the City Council of the City of Peabody, that the sum of One Million Dollars (\$1,000,000) is appropriated to pay costs of retrofitting the City's Water Treatment Plants, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(4A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor, and that said bond order be adopted as advertised and read. (Carried 10-0; Councillor Driscoll absent)

P99-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - BE IT ORDERED by the City Council of the City of Peabody, that the sum of Two Million Three Hundred Thousand Dollars (\$2,300,000) is appropriated to pay costs of Scouting Way Flood Mitigation improvements, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor, and that said bond order be adopted as advertised and read. (Carried 9-1; Councillor Sinewitz opposed; Councillor Driscoll absent)

P100-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - BE IT ORDERED by the City Council of the City of Peabody, that the sum of Three Million One Hundred Thousand Dollars (\$3,100,000) is appropriated to pay for additional costs for making extraordinary repairs to the Peabody Institute Library, including the payment of all costs incidental and related thereto, and that to meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow \$3,100,000 under Chapter 44, Section 7(3A) of the General Laws or any other enabling authority, and to issue bonds or notes of the City therefor, and that said bond order be adopted as advertised and read. (Carried 9-1; Councillor Mello opposed; Councillor Driscoll absent)

## **INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE**

### **JANUARY 17, 2013**

P101-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee – These are the motions that came out of the subcommittee of the Industrial & Community Development Committee. These are all on the zoning issues. Most of them are simple clarifications. There were a few tweaks to definitions. (Report received)

P102-13 COUNCILLOR GAMACHE - Reporting for the Industrial & Community Development Committee – MOVE TO amend the definition in Section 2 for restaurant, fast food to read "fast food restaurant means any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready to consume state for consumption, either on the premises or off the premises, and whose design or principal method of operation is such that customers are normally served their foods, frozen desserts, or beverages in edible containers or in paper, plastic or other disposable containers." (Unanimous)

P103-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee – MOVE TO modify the existing definition of "home occupation" by adding "owner-occupied" and basically leaving the definition of "live/work" as it exists today. (Unanimous)

P104-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee – MOVE TO add the following definition to Section entitled Vehicle, Commercial: (1) any vehicle designed, used or maintained, as a means of transportation of people, goods or things used in trade, services, or commerce in general; (2) any vehicle with a curb weight (vehicle only) exceeding 12,000 GVW (gross vehicle weight); (3) any vehicle having unenclosed space designed for and capable of carrying property, cargo, or bulk material and which unenclosed space is not occupied by passenger seating; or (4) any use in accordance with MGL/RMV as defined as commercial. All commercial vehicles shall bear, display, or have affixed to it marking, sign, lettering, logo,

picture, symbol, number, or the like, whether alone, or in combination, which identifies or advertises a business or similar commercial venture or use related thereto, including any applicable license information. (Unanimous)

P105-13 COUNCILLOR GAMACHE - Reporting for the Industrial & Community Development Committee – MOVE TO amend Section 3 Establishment of Zoning Districts as follows:

Add the following sentence to Section 3.2.5 BR Regional Business, 3.2.9 IL Light Industry and 3.2.11 DDD Designated Development District: “Outdoor storage and use is allowed.”  
(Unanimous)

P106-13 COUNCILLOR GAMACHE - Reporting for the Industrial & Community Development Committee – MOVE TO amend Section 4.2.2 Agricultural and Others by modifying the existing use for Commercial Greenhouse to allow by Special Permit in the BN, BN-2, GB and DDD zoning districts. (Unanimous)

P107-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee – MOVE TO amend Section 4.2.2 Agricultural and Others by modifying the existing use for Commercial Greenhouse by adding a new use entitled “Mulching/Composting operation and/or Outdoor Storage” and to allow by special permit in the BR, IL and DDD. (Unanimous)

P108-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee – MOVE TO amend Section 4.2.4 Utilities; “Electric, gas or steam generator or storage plant” by correcting a scrivener’s error changing the upper case S to lower case s for SP under the column GBD. (Unanimous)

P109-13 COUNCILLOR GAMACHE - Reporting for the Industrial & Community Development Committee – MOVE TO amend Section 4.2.5 Business as follows:

- 1) Add “taxi” to limousine and charter service.
  - 2) Allow “big box retail or retail facility larger than 50,000 square feet in size” by special permit in the IP and DDD.
  - 3) Amend “retail store for packaged alcoholic beverages” by deleting A (allowed use) in the IL and adding SP (allowed by special permit) in the IP.
  - 4) Amend “convenience store” by deleting “A” in the IL column and allowing by SP special permit in the IP.
  - 5) Amend “drive through establishment, other than restaurants” by allowing by special permit in the IP and DDD.
  - 6) Amend “commercial dry cleaning” by allowing by special permit in the IP and DDD.
  - 7) Amend “banks and financial institutions” by allowing by special permit in the IP.
  - 8) Amend “office and shop with inside storage only” by allowing by special permit in the IP.
  - 9) Amend “office and shop with outdoor storage” by allowing by special permit in BR, IP & DDD.
  - 10) Amend “fast food restaurant” by allowing by special permit in BC, DDD and IP.
  - 11) Amend “restaurant with drive through window” by allowing by special permit in BC, DDD and IP.
  - 12) Amend all 5 restaurant uses; theater/public hall; and health club by eliminating all allowed uses in the IL zone.
  - 13) Create new use entitled “bakery, retail” by allowing by special permit in GB, GBD, BN, BN2, BR and BC. (NOTE: NEED TO CREATE DEFINITION)
  - 14) Amend “indoor recreation” by allowing by special permit in the IL, IP and DDD.
  - 15) Amend “veterinary and kennel” by allowing by special permit in the DDD.
  - 16) Amend “public garage” by allowing by special permit in the IP and DDD.
  - 17) Amend “automotive sales” by prohibiting use in the IP and allowing by special permit in DDD.
  - 18) Amend “automotive storage of undamaged and operable vehicles” by allowing by special permit in the IL and DDD.
  - 19) Amend “automotive repair” by allowing by special permit in the IP.
  - 20) Amend “automotive body or paint shop” by allowing by special permit in the IP.
  - 21) Amend “marine/boat sales and repair” by allowing by special permit in the IP and DDD.
  - 22) Amend “storage, self-service” by allowing by special permit in the IP and DDD.
  - 23) Amend “radio and TV broadcasting” by allowing by special permit in the IP and DDD.
- (Unanimous)

P110-13 COUNCILLOR OSBORNE – Reporting for the Industrial & Community Development Committee – MOVE TO amend Section 4.2.6 Industrial as follows:

- 1) Correct scrivener's error for "printing/binding/publishing" to read "A" allowed use in DDD.
- 2) Amend "electrical laboratories and shops" by allowing by special permit in BR and BC.
- 3) Combine two manufacturing uses into one line to be entitled "manufacturing, light" to match existing definition.
- 4) Correct scrivener's error – change "or" to "of" in use entitled "molding, shaping or assembly of products for sale from prepared materials."
- 5) Amend "sign painting shop" to allow by right in the BR.
- 6) Amend truck service use to read "truck services and repair provided all work is carried on inside a building, and outdoor storage is surrounded by a six-foot high, sight impervious fence".  
(Unanimous)

P111-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee – MOVE TO amend Section 4.2.7 Accessory as follows:

- 1) Amend Family Accessory Living Area by correcting a scrivener's error to allow by right in all zoning districts (remove SP which was agreed upon by April 28, 2011 zoning amendment).
- 2) Modify existing use "renting of rooms to not more than four (4) persons" to five (5) persons per Mass Building Code.
- 3) Modify existing use "the storage or keeping of not more than one commercial vehicle"; appropriate language shall be placed in the Parking Table 9.2.  
(Unanimous)

P112-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee – MOVE TO amend Section 6 Special Regulations as follows:

- 1) Amend Section 6.6.4 "permitted uses" in DDD by adding in parentheses (as allowed in Section 4.2) after A Permitted Uses and B Special Permit Uses.
- 2) Amend 6.7.1 C to allow in single-family and two-family with condition it be owner-occupied.
- 3) Amend 6.7.2 D to allow in single-family and two-family with condition it be owner-occupied.  
(Unanimous)

P113-13 COUNCILLOR GAMACHE - Reporting for the Industrial & Community Development Committee – MOVE TO amend Section 7 as follows:

- 1) Amend Section 7.1.5 C by correcting a scrivener's error, the word "story" in the last sentence which was misspelled.
- 2) Add a new subsection F to 7.1.5 to read "Lot Coverage" as follows: Accessory structures shall not exceed five (5) percent of rear setback area or 500 square feet in area, whichever is smaller. Swimming pools are not considered to be accessory structures for the purpose of area calculation.
- 3) Amend Section 7.2 dimensional controls by eliminating the minimum frontage requirements in the BR zone and changing the frontage requirement from 100 to 40 feet.
- 4) Change Height to "Depth" under column labeled "Minimum Buildable Area".
- 5) Add footnote (m) "At no point between the frontage line and principal structure shall the lot be narrower than seventy-five (75) percent of the required lot frontage. Place small m next to width.
- 6) Amend Section 7.3.9 Eliminate second sentence ("However, a deck must be built no higher than the first interior floor, or three feet from the mean grade, whichever is lower, and shall have no foundation.")
- 7) Amend Section 7.10 Traffic Visibility Across Corners – Change 2 ½ to 4.
- 8) Add a new Section 7.11 entitled Wind Powered and Solar Powered Structures. To read "The installation, operation and maintenance shall be in compliance with the Commonwealth of Massachusetts State Building Code, latest edition".  
(Unanimous)

P114-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee – MOVE TO amend a portion of Section 9 as follows and the entire to be held in committee pending approval of its entirety:

- 1) 9.1.3 Standard Parking Space was held in committee and the Community Development Director was going to see what other cities and towns define a standard parking space.
- 2) Amend Section 9.2 (Table) under Business category, incorporate the use “or mercantile” into existing Shopping Center reference.
- 3) Amend Section 9.3 Driveways – Add following language as second sentence: “Driveway entrances in R1, R1A, R1B, and R2 zoning districts shall be a minimum of twelve (12) feet in width with minimum paved area for off-street parking as required in Section 9. Add a third sentence “from the Building Inspector”.  
(Unanimous)

P115-13 COUNCILLOR GAMACHE - Reporting for the Industrial & Community Development Committee – MOVE TO Amend Section 10.4 General Regulations Applicable in All Zoning Districts – add new Subsection “I” to read “all site work involving changes in topography, grade or elevation, including removal, trenching or filling in of land, shall require a building permit.” (Unanimous)

P116-13 COUNCILLOR GAMACHE - MOVE TO request that the City Solicitor provide the City Council with an opinion on the difference between "permit fees" versus "linkage fees," and which is the best term for the city to use. (Unanimous)

P116A-13 COUNCILLOR GAMACHE – MOVE THAT all motions that were reported out of the Industrial & Community Development Committee on February 14, 2013 relative to various amendments to the Zoning Ordinance (with the exception of Section 9) be forwarded to the Planning Board in accordance with Chapter 40A to begin the zoning amendment process. (Unanimous)

#### **COMMITTEE OF THE WHOLE** **FEBRUARY 14, 2013**

P117-13 COUNCILLOR GOULD – Reporting for the Committee of the Whole – The Committee of the Whole met earlier this evening to review the salaries of the Mayor, City Council and School Committee, and the following motions were made. (Report received)

P118-13 COUNCILLOR GOULD – Reporting for the Committee of the Whole - (Mayor’s salary)  
MOVE TO increase the annual compensation of the Mayor from 494,933.39 to \$105,000.00 and that Section 2-13 of the City Code be amended to reflect the same and the ordinance be advertised as read.  
(Carried 8-2; Councillors Manning-Martin and Mello opposed; Councillor Driscoll absent)

P119-13 COUNCILLOR GOULD – Reporting for the Committee of the Whole - (City Council/School Committee salaries) - MOVE TO increase the salary of the City Council to reflect that effective the first Monday in January, 2014 the City Council’s annual salary shall equal 9% of the annual compensation of the Mayor and that Section 2-14 of the City Code be amended to reflect the same and to advertise the ordinance as read; and to further increase the salary of the School Committee from \$4,0000 to \$5,100.00.  
(Carried 7-3; Councillors Gravel, Manning-Martin and Mello opposed; Councillor Driscoll absent)

#### **MOTIONS, ORDERS & RESOLUTIONS**

P120-13 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, late communication Item 1 from Harold and Arlene Pettipas, 44 Dexter Street, regarding Storm damage to fence, to send a copy of said communication to the Director of Public Services and to refer to the Public Services Committee. (Unanimous)

P121-13 COUNCILLOR MELLO – MOVE TO send a communication to Director Langley at Public Services Department thanking the department for the good work done during the last snow storm. (Unanimous)

P122-13 COUNCILLOR ATHAS - MOVE TO send a communication, in conjunction with His Honor the Mayor, to all commercial businesses on Main Street, Foster Street and on Washington Street up to Foster Street reminding them that they are required to clear their sidewalks. (Unanimous)

P123-13 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-D communication from David Wall, Troop 59, regarding Eagle Scout; Matthew Tremblay and Brian O'Shea. (Unanimous)

P124-13 COUNCILLOR SINEWITZ - MOVE TO request that the Building Inspector provide the City Council with an opinion on the issue of group homes and what our legal rights are. We're having some issues in a couple of homes up in Ward 6. It's not with the residents; it's with the employees that work there all hours of the night beeping horns, alarms on the back of the truck as they're backing up, and people outside talking all night. (Unanimous)

P125-13 COUNCILLOR SINEWITZ - MOVE TO refer to the Industrial & Community Development Committee the issue of the current Business Regional zoning district on Lowell Street at the Route 1/I-95 interchange. (Unanimous)

P126-13 COUNCILLOR GOULD (Co-motion with Councillor) - MOVE TO request that the Police Department look at the possibility of an hourly restriction for parking at 1 Elm Street. (Unanimous)

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

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

P127-13 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Timothy Spanos, City Clerk, regarding Special State Primary Warrant for March 5, 2013. (Unanimous)

P128-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Patricia Davis Schaffer, Director of Finance, regarding FY13/12 property values comparison. (Unanimous)

P129-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Sunoco, 144 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P130-13 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Peabody Chamber of Commerce, 24 Main Street, regarding Banner, subject to all papers being in order. (Unanimous)

P131-13 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Peabody Chamber of Commerce, 24 Main Street, regarding Use of Wiggin Auditorium, subject to all papers being in order. (Unanimous)

P132-13 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Peabody Education Foundation regarding Use of Wiggin Auditorium, subject to all papers being in order. (Unanimous)

### **PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P133-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Taxi/Limousine Driver License (Renewal for 2013), subject to all papers being in order:

Dale Latarella – License 113  
Vicki Kirkpatrick – License 115  
(Unanimous)

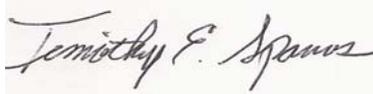
David Crawford – License 114  
Raymond Roberts – License 116

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:30 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, FEBRUARY 20, 2013

RETURNED BY HIS HONOR THE MAYOR, FEBRUARY 20, 2013



ATTEST

(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

His Honor the Mayor re: Various re-appointments

His Honor the Mayor re: Appointments to the Conservation Commission

Timothy Spanos, City Clerk re: Special State Primary Warrant for March 5, 2013

Patricia Davis Schaffer, Director of Finance re: FY13/12 property values comparison

Valter C. Barcamonte, 20 Lincoln Road re: Revised site plan

David Wall, Troop 59 re: Eagle Scout; Matthew Tremblay and Brian O'Shea

Sunoco, 144 Newbury Street re: Special permit application

Julie B. Edwards, Missoula, Montana re: In support of Library bond

Peabody Chamber of Commerce, 24 Main Street re: Banner

Peabody Chamber of Commerce, 24 Main Street re: Use of Wiggin Auditorium

Peabody Education Foundation re: Use of Wiggin Auditorium

Sharon Cameron, Director, Department of Human Services re: Special Permit memo, 558 Lowell Street

Blair Haney, Asst. Director of Planning re: Special permit memo, 558 Lowell Street

**TAXI/LIMO/SINE DRIVER LICENSE:** (Renewal for 2013) – Various