

SPECIAL MEETING OF THE PEABODY CITY COUNCIL
JUNE 6, 2013

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

ABSENT: COUNCILLOR GRAVEL

Special 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.

P422-13 COUNCILLOR DRISCOLL – MOVE TO receive the communication from His Honor the Mayor submitting the Fiscal Year 2014 City of Peabody Operating Budget and to refer to the Finance Committee. (Unanimous)

A public hearing was duly held on the application from North Shore Taxi, Inc., 27 Walnut Street, Unit C, Peabody, MA. Appearing to speak on behalf of the application was Mr. John McKinnon. No one appeared to speak in favor. No one appeared to speak in opposition.

P423-13 COUNCILLOR MELLO – MOVE TO approve the application from North Shore Taxi, Inc., 27 Walnut Street, Unit C, Peabody, MA, to amend a Taxicab License by adding an additional three (3) vehicles at said 27 Walnut Street, Unit C, Peabody, MA, subject to all papers being in order.
(Carried 10-0; Councillor Gravel absent)

A public hearing as duly held on the application from Adriatic Transportation, LLC, 484 Lowell Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Scott Joslyn. No one appeared to speak in favor. No one appeared to speak in opposition.

P424-13 COUNCILLOR GAMACHE – MOVE TO approve the application from Adriatic Transportation, LLC, 484 Lowell Street, Peabody, MA, for one Limousine License at said 484 Lowell Street, Peabody, MA, subject to all papers being in order. (Carried 10-0; Councillor Gravel absent)

A public hearing was duly held on the application from Ronald B. Boyd d/b/a Boyd Cycles, 10 Aborn Street, Salem, MA. Appearing to speak on behalf of the application was Attorney John Keilty and Mr. Ronald Boyd. No one appeared to speak in favor. No one appeared to speak in opposition.

P425-13 COUNCILLOR MELLO - BE IT ORDERED by the City Council of the City of Peabody that the application from Ronald B. Boyd d/b/a Boyd Cycles, 10 Aborn Street, Salem, MA, for a Special Permit to operate an automotive repair service facility specializing in motorcycle repair and customizing in a GBD zone at 25A Walnut Street, Peabody, MA, as filed in accordance with Sections 4.2.5, 4.4 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. The applicant shall seek all approvals and permits from the Fire Department, as necessary;
2. The Hours of Operation will be Monday through Friday 8:00 a.m. to 5:00 p.m., Saturday 8:00 a.m. to 12:00 noon; no Sundays;
3. There will be no outside storage of vehicles; and
4. There will be no occupancy of the building by applicant after business hours.

(Carried 10-0; Councillor Gravel absent)

A public hearing was duly held on the application from The City of Peabody and Michael D. Solomine, Trustee of MJ II Realty Trust, 426 Broadway, Lynn, MA. Appearing to speak on behalf of the application was City Solicitor Michael Smerczynski; Mr. Robert Langley, Director, Public Services Department; Mr. Michael Solomine;

Mr. Bruce Adams of Weston & Sampson; and Attorney Ted Regnante. No one appeared to speak in favor. Mr. David Mailhoit, 109 Bartholomew Street, Peabody, MA, appeared to speak in opposition.

P426-13 COUNCILLOR OSBORNE - BE IT ORDERED by the City Council of the City of Peabody that the application from The City of Peabody and Michael D. Solimine, Trustee of MJ II Realty Trust, 426 Broadway, Lynn, MA, for a Special Permit to construct an elevated water tower on the water tank lot; pumping station (within a shed) on Lot 1A1, and placement of wireless communication facilities on the Water Tank Lot (antenna equipment and accessories located on the water tower and accessory structures located on the Water Tank Lot; such structures located not less than 5 feet from the lot lines on a portion of a parcel identified as Lot 1A1 (47,608 sq. ft.±) (Plan Book 436, Plan 74) at intersection of Bartholomew Street and Gedney Drive (Pump Station Lot) and Water Tank Lot A (25,750 +/- sq. ft.) (Plan Book 436, Plan 75) off Marsh Circle, Peabody, MA, as filed in accordance with Sections 4.2.4, 4.4 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. All wireless communication equipment to be attached to the side of the water tank;
2. A height restriction for all wireless communication equipment not to exceed five (5) feet above the height of the tank;
3. There will be no additional structures for the purpose of providing wireless communication to be built on either the Water Tank Lot or the Pump Station Lot; and
4. The Special Permit will go with the realty trust that petitioned and if ownership of this easement should leave the family of the petitioner, then the Special Permit would be reviewed by the City Council before approval to a third party.

(Carried 9-1; Councillor Mello opposed; Councillor Gravel absent)

A public hearing was duly held on the application from MJ II Realty Trust, 426 Broadway, Lynn, MA. Appearing to speak on behalf of the application was Attorney Athan Vontzalides and Mr. David Solomine. No one appeared to speak in favor. Mr. David Mailhoit, 109 Bartholomew Street, Peabody, MA; and Mr. Paul Zrimsek, 149 Bartholomew Street, Peabody, MA, appeared to speak in opposition.

P427-13 COUNCILLOR OSBORNE - BE IT ORDERED by the City Council of the City of Peabody that the application from MJ II Realty Trust, 426 Broadway, Lynn, MA, for a Special Permit for the removal of earth products from premises known as the Boulderwood Subdivision off Bartholomew Street, Peabody, MA, for the construction of streets and infrastructure established by an approved subdivision, as filed in accordance with Sections 14.2.2 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. Truck traffic will be restricted between the hours of 9:00 a.m. to 3:00 p.m. on Bartholomew Street;
2. No trucks shall be allowed to queue on any public street;
3. No trucks shall be allowed to idle their engine for more than 15 minutes while waiting to be loaded;
4. The applicant shall post a \$100,000 bond with the City; and
5. Dust abatement will be provided for all trucks entering Bartholomew Street after exiting the project.

(Carried 9-0; Councillors Gravel and Mello absent)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:15 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JUNE 11, 2013

RETURNED BY HIS HONOR THE MAYOR, JUNE 11, 2013

Handwritten signature of Timothy E. Spanos in cursive script.

ATTEST

(Timothy E. Spanos, City Clerk)