



Ward Councillors

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Peter M. McGinn, Ward 2
James Moutsoulas, Ward 3
Edward R. Charest, Ward 4
Joel D. Saslaw, Ward 5
Mark J. O'Neill, Ward 6

Councillors at Large

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Clerk of Council

Timothy E. Spanos

City Council

Stenographer

Allyson Danforth, RPR

City Hall
24 Lowell Street

978-538-5900
FAX (978) 538-5985

PEABODY CITY COUNCIL

Special Permit #19

Map 039 Lot 601

July 16, 2019

Building Inspector
City Hall
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, July 11, 2019, the following Special Permit was approved:

P497-19 COUNCILLOR CHAREST – BE IT ORDERED by the City Council of the City of Peabody that the application from Peter Pantazelos, Trustee, Prospect Hill Realty Trust, c/o 246 Andover Street, Peabody, MA, for a Special Permit seeking approval for 18 residential dwelling units in a mixed-use building proposed for hotel, function room/facility and residential dwelling uses: Five (5) studio/efficiency-type apartments and thirteen (13) one-bedroom apartment units are proposed at 41 Cross Street, Peabody, MA, as filed in accordance with Sections 6.1, 6.16, 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) Per the Public Services Department, the applicant shall provide an estimate of additional water and sewer demands that are expected from this development and is subject to removing 200% of these flows. This shall be accomplished through an infiltration/inflow (1/1) project assigned by the City and is to be completed prior to the applicant receiving a final occupancy permit;
- 2) Per the Public Services Department, the applicant shall be responsible for installing the necessary water infrastructure to support the proposed development's domestic and fire protection needs. Please see the attached correspondence from ANSwer Engineers, dated 9/21/17; Lynco Fire Protection, Inc. no date provided; and R. Rumpf & Associates, Inc., dated 9/27/17; and
- 3) Per Community Development Department, the applicant shall comply with Site Plan approval by the Planning Board and the capital applicability assessment needs to be done;



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- 4) In accordance with Section 12 of the City of Peabody Zoning Ordinance, the applicant shall meet with the Construction Review Committee and then, subsequently, complete the Site Plan Review Process. In addition to the requirements of Section 12, such activity with the Construction Review Committee and subsequently the Planning Board shall consider: 1) all site and design criteria identified in Section 6.16.4; and 2) all points raised in the communication related to this matter from the Community Development and Planning Department dated July 3, 2019, related to site and design. All documented recommendations of the Construction Review Committee and the Planning Board shall be considered binding conditions of this Special Permit. Further, in accordance with Section 6.13.3 (L) and Section 6.16.4.9 of the City of Peabody Zoning Ordinance, a capital facility assessment is required and where it is determined by the Construction Review Committee and the Planning Board that the applicant should contribute to capital improvements, the applicant shall make such contributions in the amounts and in the manner prescribed in Section 6.16.4.9 and such obligation to contribute to capital improvements shall be considered binding conditions of this Special Permit.

- 5) The applicant shall comply with all provisions of Section 6.16 of the Peabody Zoning Ordinance entitled Residential Overlay District.

(Carried 10-0; Councillor O'Neill absent)

NOTICE OF DECISION: *IN ACCORDANCE WITH CHAPTER 40A, SECTION 17 OF THE MASSACHUSETTS GENERAL LAWS, AN APPEAL OF THIS DECISION MUST BE FILED WITHIN TWENTY (20) DAYS FROM THE DATE OF FILING OF SAID DECISION WITH THE APPROPRIATE COURT AND OFFICE OF THE CITY CLERK.*

IF SAID SPECIAL PERMIT WAS APPROVED, YOU MUST OBTAIN A CERTIFIED COPY OF THE SPECIAL PERMIT FROM THE OFFICE OF THE CITY CLERK, AND A BUILDING PERMIT MUST BE APPLIED FOR AND ISSUED BY THE INSPECTOR OF BUILDINGS AFTER THE TWENTY DAY APPEAL PERIOD HAS EXPIRED. IF THE 20TH DAY FALLS ON A WEEKEND DAY (SATURDAY OR SUNDAY), THE NEXT BUSINESS DAY IS CONSTITUTED AS THE 20TH DAY. SAID SPECIAL PERMIT MUST BE EXERCISED WITHIN TWO YEARS FROM THE DATE OF TIME STAMP WITH THE OFFICE OF THE BUILDING INSPECTOR. IF NOT, SAID SPECIAL PERMIT SHALL EXPIRE.

THERE SHALL BE NO TRANSFER OF THIS SPECIAL PERMIT UNTIL WRITTEN APPROVAL OF THE SAME IS OBTAINED FROM THE SPECIAL PERMIT GRANTING AUTHORITY, OR ITS DESIGNEE

A COPY OF YOUR SPECIAL PERMIT MUST BE POSTED UPON THE BUSINESS PREMISES IN A CONSPICUOUS PLACE VISIBLE TO THE PUBLIC AT ALL TIMES.



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THE LAST DAY TO FILE AN APPEAL IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, CHAPTER 40A, SECTION 17 IS AUGUST 5, 2019

IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON AUGUST 6, 2019 IF NO APPEALS ARE FILED. IT IS REQUIRED THAT SAID PERMIT BE OBTAINED FROM THE BUILDING INSPECTOR, AND A CERTIFICATE OF BUSINESS BE OBTAINED FROM THE CITY CLERK IN ORDER TO COMPLETE THE SPECIAL PERMIT REQUIREMENTS.

PEABODY CITY COUNCIL
COUNCILLOR JON G. TURCO
CITY COUNCIL PRESIDENT

Timothy E. Spanos
City Clerk

cc: Planning Board, Community Development Department, Police Department,
Human Services Department