



Ward Councillors

Craig S. Welton, Ward 1
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

Thomas L. Gould
Anne M. Manning-Martin
Ryan Melville
Thomas J. Rossignoll
Jon G. Turco

Clerk of Council

Allyson M. Danforth

City Hall
24 Lowell Street

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

PEABODY CITY COUNCIL

Special Permit #9

Map 52 Lot 17x

March 18, 2020

Building Inspector
City Hall
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, March 12, 2020, the following Special Permit was approved:

COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application filed by LCI Management c/o Eric Loiacana, 18 Sargent Street, Gloucester, MA, for a Special Permit seeking to amend condition #5 of Special Permit 14-1993 by changing the use of the property from auto storage, as presently used, to allow for self-service storage, which is an allowed by-right use, at 151 Andover Street, Peabody, MA, as filed in accordance with Sections 1.5, 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 egress/driveway or vehicle access from or on to Loris Road;
2. Outdoor lighting to be turned off at 11:00 p.m. to 8:00 a.m. with the exception of motion detector security lighting;
3. No outdoor paging system;
4. No outdoor music;
5. Provide and maintain landscape shielding for residential abutters;
6. Maintain and clear culvert of debris in and along property;
7. No deliveries from 5:00 p.m. to 8:00 a.m.;
8. No dumpster or trash pickup from 9:00 p.m. to 9:00 a.m.;
9. Construction hours of operation are Monday through Friday from 7:00 a.m. to 6:00 p.m.; Saturday from 9:00 a.m. to 6:00 p.m.; and Sundays, Federal and State holiday work shall be requested in writing and shall be approved at the discretion of the Building Commissioner;
10. That a fence and other landscaping, visual, and sound buffers be established so as to mitigate the impact on abutters and that the applicant be responsible for all associated maintenance of said buffers;
11. That the applicant develops a photometric plan, which is acceptable to the abutters;
12. That signs be installed to establish that no idling cars be allowed on the property and that music is not left playing in vehicles;



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13. That per the Health Department communication dated February 20, 2020, the following will apply:
1. The applicant must undertake aggressive rodent control measures prior to any demolition, development or site preparation work. The applicant must work with a licensed pest control firm to develop an Integrated Pest Management plan, including surveillance and baiting of the site a minimum of 14 days prior to the commencement of any work, and any additional measures needed to control pests for the duration of the project. The IMP plan should also include:
 - Names and certifications of licensed pest control applicators
 - Initial survey documenting existence of rodent activity, burrows, and sanitation conditions that could support rodent activity
 - Details about rodent control measures to be implemented, including locations of traps and bait stations, types and amounts of pesticides used, schedule for follow-up monitoring, cleanup of bait stations and rodent carcasses, and management of sources of food and harborage on the site
 - Procedures for responding to rodent complaints, including name and contact information for individual to respond to neighborhood complaints
 - Finished landscaping plan designed to minimize opportunities for rodent harborage
 2. The applicant must develop a plan that addresses management of hazardous materials and building materials such as asbestos and lead and file with appropriate state and local regulatory agencies prior to commencement of demolition activities, if any.
 3. The applicant must develop a plan for prevention and mitigation of nuisance impacts such as dust, odor, and noise for the duration of the construction.
 4. If fill is to be brought on site, the applicant must comply with all applicable state and local requirements.
 5. The final surface must be graded so as not to create any stagnant water and/or run-off which could create objectionable conditions.
 6. All wastes generated by development activities must be appropriately stored and removed in a timely manner. Dumpsters must have appropriate permits and be located at appropriate distances so as not to interfere with the safety, convenience or health of abutters or residents.
 7. Consideration must be given to prevent the occurrence of nuisance conditions such as excessive noise from HVAC and refrigeration systems or light nuisances associated with on-site lighting fixtures.
 8. Trash management plan must ensure the prevention of nuisance conditions. If trash storage is to be located indoors, applicant must ensure that trash storage area is constructed and operated so as to be easily cleanable and avoid the generation of odors or pest issues for building occupants. If outdoor trash storage is proposed, ensure that dumpsters are set back from adjacent properties at a sufficient distance to avoid the creation of nuisance odors or pest problems for abutters, properly screened, and located on a cleanable surface.
 9. Applicant must implement an ongoing Integrated Pest Management plan for operation of self-storage facility.
14. Snow storage shall be in accordance with the revised site plan dated March 12, 2020;
15. There will be no outdoor storage on the property of any sort;



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16. Condition #5 from Special Permit 14-1993, which reads in part "Any change of retail bookstore use will require public notice, public hearing, and approval by the Peabody City Council (or permit granting authority, as may from time to time be established by the Zoning Ordinance of the City of Peabody) for change of use," shall now read as follows: "Any change of self-storage facility use will require public notice, public hearing, and approval by the Peabody City Council (or permit granting authority, as may from time to time be established by the Zoning Ordinance of the City of Peabody) for change of use;"
17. No dumpster shall be situated on the site; and
18. Per the Public Services Department, the Department of Public Services will review the project when the applicant submits to the Construction Review Committee.

(Carried 10-0; Councillor Gould 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.

THE LAST DAY TO FILE AN APPEAL IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, CHAPTER 40A, SECTION 17 IS APRIL 8, 2020

IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON APRIL 9, 2020 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 THOMAS J. ROSSIGNOLL
CITY COUNCIL PRESIDENT

Allyson M. Danforth
City Clerk

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