



# PEABODY CITY COUNCIL

## Ward Councillors

Craig S. Welton, Ward 1  
Peter M. McGinn, Ward 2  
Stephanie R. Peach, Ward 3  
Julie K. Daigle, Ward 4  
David R. Gamache, 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

Special Permit #7

**Map 092 Lot 06**

March 28, 2022

Building Inspector  
City Hall  
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, March 24, 2022, the following Special Permit was approved:

COUNCILLOR DAIGLE – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Hoyle Construction, Inc., 30 Choate Lane, Ipswich MA, for a Special Permit to construct thirty-two (32) two-bedroom units to be called “The Ashley Court Condominium” at 68 Prospect Street, Peabody, MA, as filed in accordance with Sections 6.16, 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. Per the Conservation Commission, Any changes that will increase the stormwater flow characteristics from 68 Prospect Street to said stormwater basin will trigger Conservation approval. Any changes to said stormwater basin from either Essex Apartments, One Avalon Drive, or 68 Prospect Street will require a filing with the local commission and MassDEP to ensure stormwater standards are still being met. The basin has not been maintained to date and the O&M must be followed going forward. The plan shows a proposed infiltration trench being directed into said detention basin. If condition above cannot be met, an NOI would be required to ensure the basin is adequate;
2. Per the Health Department, Develop a plan to prevent nuisance dust migration during the construction process;
3. Per Public Services Department, All conditions presented to and approved by the Planning Board be satisfied. All documented recommendations from site plan review, the construction review committee, and the Planning Board shall be considered binding conditions of this special permit:



#### **Ward Councillors**

Craig S. Welton, Ward 1  
Peter M. McGinn, Ward 2  
Stephanie R. Peach, Ward 3  
Julie K. Daigle, Ward 4  
David R. Gamache, 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*

- a. The applicant will be responsible for the replacement of the existing sidewalk with a concrete sidewalk and vertical granite curbing along their frontage on Prospect Street. Concrete ADA-compliant handicap ramps with tactile warning panels shall be installed along the site driveway entrance;
- b. All snow storage shall be placed in designated areas that do not interfere with pedestrian access and vehicle line of sight. In addition, the applicant shall not plow snow off of their property and into the City's right-of-way;
- c. Street trees shall be planted in areas that do not interfere with the line of sight of the applicant's driveway;
- d. Soil testing shall be conducted in the proposed swale and stormwater infiltration basins that have not been tested to confirm both the depth of naturally occurring soil and the depth to the seasonal high groundwater table. The soil testing shall be conducted by a Massachusetts soil evaluator and coordinated with the Public Services Department. The soil testing shall be conducted prior to the issuance of a building permit;
- e. All fill material is to be removed from under and within 5-feet laterally of the infiltration beds to the depth of the estimated seasonal high groundwater (ESHGW) and replaced with Title 5 approved sand. A sieve analysis shall be conducted on any fill material below the ESHGW to verify that it has an infiltration rate in excess of loamy sand;
- f. A bed bottom inspection shall be conducted of the subsurface infiltration basins by the applicant's licensed soil evaluator and the Public Services Department. This inspection shall take place prior to the installation of any stone within the proposed subsurface infiltration basins;
- g. The infiltration beds are not to be used for stockpiling, temporary sedimentation basins or any other activities that may negatively impact their ability to properly operate in the future;
- h. Prior to the City issuing a building permit, the applicant shall provide the Public Services Department with a copy of the finalized roof connection plans;
- i. The property owner shall mail proof of inspections and cleaning of the stormwater system to the Public Services Department, c/o Environmental Engineer, 50 Farm Avenue, Peabody, MA 01960 by October 31<sup>st</sup> of every year and is to retain a copy for themselves;
- j. The driveway entrance shall be graded to minimize stormwater from leaving the site and entering Prospect Street;
- k. The developer's fire protection engineer shall determine the size of the fire protection lines based upon a hydrant flow test;
- l. The proposed 8-inch water main, associated services and hydrants are private infrastructure and are to be maintained by the property owner;
- m. The applicant's project is expected to increase their daily sewer loading by 7,040 gallons. The applicant will be required to remove 200% (14,080 GPD) of these additional flows through a monetary payment of \$70,400.00 deposited into the City's I/I removal fund;



# PEABODY CITY COUNCIL

## Ward Councillors

Craig S. Welton, Ward 1  
Peter M. McGinn, Ward 2  
Stephanie R. Peach, Ward 3  
Julie K. Daigle, Ward 4  
David R. Gamache, 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

- n. All sewer mains (pressure test) and associated manholes (vacuum test) shall be tested for water tightness in the presence of the Public Services Department. A copy of the pressure and vacuum testing shall be provided to the Public Services Department within 72 hours of conducting said test(s);
  - o. Any water and/or sewer laterals that will no longer be in service shall be cut and capped at their respective mains.
4. Per the Zoning Board of Appeals, The condominium association shall maintain the swale, landscaping, including arborvitae, and fence over time and replacing it as needed referring to the motion by the Zoning Board of Appeals:
    - a.) Applicant to erect 7' grey vinyl fence along the northerly boundary of the property, 5' to 7' from the existing stone wall;
    - b.) Applicant to plant 5' arborvitae on the neighbor's side of the fence to help with privacy;
    - c.) Applicant must gain approval from Planning Board, City Council and Conservation.
  5. The six affordable units will remain affordable in perpetuity or as long as the City of Peabody has an affordable housing program;
  6. The applicant shall post a bond acceptable to the Public Services Department in the amount of \$75,000 to ensure that site work is completed prior to issuing the last two occupancy permits;
  7. The applicant will install and approve the sidewalk on Prospect Street, past the cemetery and connecting to Emery Street;
  8. The applicant shall comply with all provisions of Section 6.16 of the Peabody Zoning Ordinance entitled "Residential Overlay District;" and
  9. The applicant shall provide weekly trash removal by a private trash company.

(Carried 11-0)

**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 20<sup>TH</sup> DAY FALLS ON A WEEKEND DAY (SATURDAY OR SUNDAY), THE NEXT BUSINESS DAY IS CONSTITUTED AS THE 20<sup>TH</sup> 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.**



**Ward Councillors**

Craig S. Welton, Ward 1  
Peter M. McGinn, Ward 2  
Stephanie R. Peach, Ward 3  
Julie K. Daigle, Ward 4  
David R. Gamache, 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

**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 19, 2022.**

**IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON April 20, 2022, 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 RYAN MELVILLE  
CITY COUNCIL PRESIDENT

Allyson M. Danforth  
City Clerk

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