

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**MARCH 9, 2023**

PRESENT COUNCILLORS: TURCO, DAIGLE, O'NEILL, PEACH, MANNING-MARTIN, GOULD, ROSSIGNOLL, GAMACHE, MELVILLE, AND WELTON

ABSENT COUNCILLORS: MCGINN

An in-person and remotely held meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President Craig S. Welton.

Salute to the American Flag.

COUNCILLOR WELTON – 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.

P156-23 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Special Meeting of February 21, 2023, and the minutes from the Regular Meeting of February 23, 2023.  
(Unanimous)

**HEARINGS**

(COUNCILLOR MANNING-MARTIN ASSUMED THE CHAIR)

A public hearing was duly held on the application submitted by William A. & Joanne E. Demoree, 297 Lynn Street, Peabody, MA. Attorney John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P157-23 COUNCILLOR WELTON – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by William A. & Joanne E. Demoree, 4 Summit Terrace, Peabody, MA, for a Special Permit to amend Special Permit 12-1990 to change the use from a seafood market to allow for an ice cream stand in the same space (Unit A) and to grant a Special Permit for a Commissary Kitchen in Unit B, being 997 square feet at 297 Lynn Street, Peabody, MA, as filed in accordance with Sections 4.2.5, 6.1 and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following condition:

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.

**CONDITION:**

1. The Health Department has approved a set of plans for this establishment. All vendors planning to work from the commissary kitchen must apply for food establishment permit before undertaking any operations.

(Carried 10-0; Councillor McGinn absent)

(COUNCIL PRESIDENT WELTON ASSUMED THE CHAIR.)

P158-23 COUNCILLOR PEACH – MOVE TO continue the public hearing on Item 4-B Zoning Amendment – Amend Section 6 entitled Special Regulations as follows: By deleting in its entirety Section 6.15 Mill Overlay District (MOD) as adopted on March 14, 2019, and inserting in place thereof a new Section 6.15 entitled Mill Overlay District (MOD), until Thursday, March 23, 2023.

(Carried 9-0; Councillor Daigle voting present; Councillor McGinn absent)

The City Council reconvened the recessed public hearing on the application submitted by Jack Elias, LLC, 468 Lowell Street, Peabody, MA. Attorney Athan Vontzalides appeared to speak on behalf of the application. No one appeared to speak in favor. Ms. Saimira Mile, 459 Lowell Street, Peabody, MA; Ms. Andrea Eftim, 461 Lowell Street, Peabody, MA; and Mr. Norman Brown, 465 Lowell Street, Peabody, MA, appeared to speak in opposition.

P159-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, late communication Item 1 from Councillor David Gamache re: Petition from neighbors opposed to Special Permit, Jack Elias, LLC, 468 Lowell Street.

(Unanimous)

P160-23 COUNCILLOR GAMACHE – MOVE TO not approve the Special Permit application from Jack Elias, LLC, 75 Oak Street, Avon, MA, for a Special Permit to amend Special Permit 29-2007, so as to allow for the sale of gasoline and to include hours of operation for the sale of gasoline as Monday through Saturday 7:00 a.m. to 8:00 p.m. and Sunday 8:00 a.m. to 8:00 p.m., at 468 Lowell Street, Peabody, MA, based on the following reasons:

It is the judgment of the City Council that the use for which the permit is sought will not satisfy a desirable local need, that its design and appearance is injurious to the established or future character of the vicinity and the neighborhood, and that it is not in harmony with the general purpose and intent of this ordinance. (Motion to Deny Carried 10-0; Councillor McGinn absent)

### **REPORTS OF COMMITTEE**

None.

### **MOTIONS, ORDERS AND RESOLUTIONS**

P161-23 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of Funds -Traffic Signal Upgrade King Street \$105,000 and refer to the Finance Committee.

(Unanimous)

P162-23 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of Funds - Utility Software Upgrade \$200,000 and refer to the Finance Committee.

(Unanimous)

P163-23 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Statement of Interest - Peabody Veterans Memorial High School and refer to the Finance Committee.

(Unanimous)

P164-23 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-D communication from Jarrett Temple, Regional Environmental & Land Manager, Holcim-NER, Inc., (formerly Aggregate Industries), 35 Village Road #703, Middleton, regarding Aggregate Industries - 2022 Annual Report and refer to the Ad Hoc Committee on Aggregate Industries.  
(Unanimous)

P165-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-A communication from Allyson M. Danforth, City Clerk, regarding Response to Motion P66-23 – Massachusetts Municipal Wholesale Electric Company Project 2015A.  
(Unanimous)

P166-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-B communication from Atty. John Keilty on behalf of 10 Munroe Realty, LLC, 10-12 Munroe Street, regarding Request for Amendment to Zoning Ordinance and refer to the Industrial & Community Development Committee.  
(Unanimous)

P167-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-F communication from Curt Bellavance, Dir., Community Development & Planning, regarding Proposed Zoning Amendment to the Mill District Overlay (MOD) and refer to the Industrial & Community Development Committee.  
(Unanimous)

P168-23 COUNCILLOR PEACH – MOVE TO request that the Community Development & Planning Department prepare an update on the Green Community application.  
(Unanimous)

P169-23 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-E communication from Councillor Manning-Martin regarding COLA information for Finance Committee and refer to the Finance Committee.  
(Unanimous)

P170-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-C communication from Ron Christensen, 193 Lowell Street, regarding Car carriers in the middle lane of Routes 114 and 1.  
(Unanimous)

P171-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-G communication from 180 Newbury, LLC, 180 Newbury Street, regarding Special Permit application and set up a public hearing.  
(Unanimous)

P172-23 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, the following Item 9-A Entertainment License (2023 Renewals), subject to all papers being in order:

Outback Steak House, 300 Andover Street  
Stanzy's Country Ranch, 1 Main Street  
(Unanimous)

P173-23 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, the following Item 9-B Junk Dealers License (2023 Renewals), subject to all papers being in order:

- Bill's Salem Music, 136 Main Street
- Cash Call, 161 Main Street
- Martoni & James, 215 Newbury Street
- The Velvet Elvis, 101 Lynn Street

(Unanimous)

P174-23 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 9-C Taxicab License (Non-City 2023 Renewal) Witch City Taxi, 92 Jackson Street, Salem, subject to all papers being in order.

(Unanimous)

P175-23 COUNCILLOR MELVILLE – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 2-13 entitled “Salary of the Mayor” of the Code of the City of Peabody be adopted as advertised and read.

(Carried 8-0; Councillor O’Neill and Councillor Peach voted present; Councillor McGinn absent)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

Previously received.

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

Previously received.

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

Previously received.

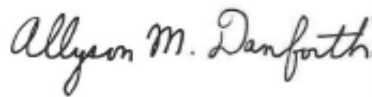
**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:15 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 16, 2023

RETURNED BY HIS HONOR THE MAYOR, MARCH 16, 2023



ATTEST: \_\_\_\_\_  
(Allyson M. Danforth, City Clerk)

**COMMUNICATIONS:**

His Honor the Mayor re: Transfer of Funds – Traffic Signal Upgrade King Street \$105,000

His Honor the Mayor re: Transfer of Funds – Utility Software Upgrade \$200,000

His Honor the Mayor re: Statement of Interest – Peabody Veterans Memorial High School

Allyson M. Danforth, City Clerk, re: Response to Motion P66-23-Massachusetts Municipal Wholesale Electric Company Project 2015A

Atty. John Keilty on behalf of 10 Munroe Realty, LLC, 10-12 Munroe Street, re: Request for Amendment to Zoning Ordinance

Ron Christensen, 193 Lowell Street, re: Car carriers in the middle lane of Routes 114 and 1

Jarrett Temple, Regional Environmental & Land Manager, Holcim-NER, Inc., (formerly Aggregate Industries), 35 Village Road #703, Middleton, re: Aggregate Industries – 2022 Annual Report

Councillor Manning-Martin re: COLA information for Finance Committee

Curt Bellavance, Dir., Community Development & Planning, re: Proposed Zoning Amendment to the Mill District Overlay (MOD)

180 Newbury, LLC, 180 Newbury Street, re: Special Permit application

**ENTERTAINMENT LICENSE:** (2023 Renewal)

Outback Steak House, 300 Andover Street

Stanzys Country Ranch, 1 Main Street

**JUNK DEALERS LICENSE:** (2023 Renewal)

Bill's Salem Music, 136 Main Street

Cash Call, 161 Main Street

Martoni & James, 215 Newbury Street

The Velvet Elvis, 101 Lynn Street

**TAXICAB LICENSE:** (Non-City 2023 Renewal)

Witch City Taxi, 92 Jackson Street, Salem