

REGULAR MEETING OF THE PEABODY CITY COUNCIL
APRIL 28, 2022

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

ABSENT COUNCILLORS: GAMACHE

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 Ryan Melville.

Salute to the American Flag.

COUNCILLOR MELVILLE – 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.

P260-22 COUNCILLOR GOULD – MOVE TO receive and approve Item Late 7 the revised minutes from the Regular Meeting of April 14, 2022.
(Unanimous)

P261-22 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, Item 7-A Various appointments under date of April 21, 2022:

| <u>NAME:</u> | <u>POSITION:</u> | <u>TERM TO EXPIRE:</u> |
|---|-------------------------|-------------------------------|
| Mary Martin 18 Conant Road Lynn, MA 01904 | Auditor | 6/1/2025 (3-Year Term) |
| Kevin Houlden 3 Monson Drive Peabody, MA 01960 | Housing Authority | 6/11/2025 (3-Year Term) |
| Len Roland 53 Nancy Avenue Peabody, MA 01960 (Carried 10-0; Councillor Gamache absent) | Historical Commission | 12/31/2023 (2-Year Term) |

HEARINGS

A public hearing was duly held on the application submitted by AM&C Romano, Inc., d/b/a Trackside Bar & Grill, 30 Warren Street, Peabody, MA. Appearing to speak on behalf of the application was Ms. Monica Romano. No one appeared to speak in favor. No one appeared to speak in opposition.

P262-22 COUNCILLOR MCGINN – MOVE TO approve the application submitted by AM&C Romano, Inc., d/b/a Trackside Bar & Grill, 30 Warren Street, Peabody, MA, for an Entertainment License for non-live entertainment, specifically television and internet radio, subject to all papers being in order.
(Carried 10-0; Councillor Gamache absent)

A public hearing was duly held on the application submitted by Robert Toukhmanian, 218 Newbury Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Robert Toukhmanian. No one appeared to speak in favor. No one appeared to speak in opposition.

P263-22 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-F communication from Andrew Levin, Senior Planner, regarding Class 2 MVL – 218 Newbury Street. (Unanimous)

P264-22 COUNCILLOR O'NEILL – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Robert Toukhmanian, 11 Pine Tree Drive, Saugus, MA, for a Special Permit for the sale of automobiles at 218 Newbury, 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 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. The Special Permit will be limited to no more than 25 vehicles;
2. There will be no outside storage on the property, excluding vehicles for sale;
3. All delivery of vehicles will take place on the applicant's property. No delivery of vehicles will take place on Route 1 or that right-of-way;
4. The current fence cannot be constructed beyond where it currently exists;
5. The dirt section at the southern entrance of the property will be improved by paving with line spaces and/or landscaping; and
6. The dumpster will be enclosed by fencing to prevent access to rodents or trash coming out of the dumpster.

(Carried 10-0; Councillor Gamache absent)

A public hearing was duly held on the application submitted by Robert Toukhmanian d/b/a Rte 1 Auto Sales, 218 Newbury Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Robert Toukhmanian. No one appeared to speak in favor. No one appeared to speak in opposition.

P265-22 COUNCILLOR O'NEILL – MOVE TO approve the application submitted by Robert Toukhmanian d/b/a Rte 1 Auto Sales, 218 Newbury Street, Peabody, MA, for a Class 2 Motor Vehicle License at said 218 Newbury Street, Peabody, MA, with the condition that the limit will be 25 unregistered motor vehicles on the premises at any one time for sale or not for sale, sold or not sold, and subject to all papers being in order.

(Carried 10-0; Councillor Gamache absent)

P266-22 COUNCILLOR DAIGLE – MOVE TO receive and approve, under suspension of the rules, late communication Item 6 from Sarah Hellman, Assistant Project Manager, Permit Advisors, 8370 Wilshire Blvd., Suite 330, Beverly Hills, CA, on behalf of Carbon Health, 210 Andover Street, Suite 111, Peabody, regarding Request to withdraw Special Permit application without prejudice. (Unanimous)

A public hearing was duly held on the application submitted by Convenient MD, LLC, 210 Andover Street, Peabody, MA. Appearing to speak on behalf of the application was Atty. Athan Vontzalides and Mr. David Sanderson. No one appeared to speak in favor. No one appeared to speak in opposition.

P267-22 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, late communication Item 3 from Andrew Levin, Senior Planner, regarding Special Permit Application – 210 Andover Street. (Unanimous)

P268-22 COUNCILLOR DAIGLE – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Convenient MD, LLC, 632 Washington Street, South Easton, MA, for a Special Permit to construct a medical facility, specifically as an urgent care clinic, at 210 Andover 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. Per the Health Department, Applicant must have a plan for disposal of medical waste and sharps. If applicant will be dispensing injectable medications, they must provide a no-cost sharps collection option for patients.

(Carried 10-0; Councillor Gamache absent)

REPORTS OF COMMITTEE

COMMITTEE OF THE WHOLE

APRIL 19, 2022

P269-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – We had a Committee of the Whole meeting on April 19th. It was attended by Councillors: Gould, Rossignoll, Manning-Martin, Peach, O'Neill, McGinn, Gamache, and Turco. I thought it was a fantastic discussion. We went over Articles 1 and 2 of the proposed city charter. Each councillor brought really interesting ideas and perspective. Reporting out of that committee we had four motions, all of which were based off feedback and requests to Assistant City Solicitor Barrett. (Report received)

P270-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO request under Section 2-3 of the proposed city charter that Assistant City Solicitor Barrett provide legal advice to the City Council with regard to the number of members to waive the one-year cooling-off period. (Carried 10-0; Councillor Gamache absent)

P271-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO request that Assistant City Solicitor Barrett provide the City Council with language for a new section that contemplates nominations and appointments the City Council may make to certain boards and commissions for the proposed city charter. (Carried 10-0; Councillor Gamache absent)

P272-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO request that Assistant City Solicitor Barrett inform the City Council as to whether a charter objection exists in our current City Council Rules or City Charter and if so, what is the current language. (Carried 9-1; Councillor Gould opposed; Councillor Gamache absent)

P273-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO request that Assistant City Solicitor Barrett provide language for compensation in Section 2-11 Filling of Vacancies on page 14 of the proposed city charter.

(Carried 10-0; Councillor Gamache absent)

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE

APRIL 28, 2022

P274-22 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – We met earlier this evening. In attendance was myself as chair and Councillors: Rossignoll, Manning-Martin, McGinn, and Daigle. Also in attendance was Councillors: Melville, Peach, Welton, O’Neill, and Turco. First on the agenda was the outdoor dining amendment, which was presented by the Mayor in front of the Committee. We went section by section and we have work for Mr. Bellavance and the Mayor to do. There were some good recommendations and it was a very lively discussion. That subject is staying in Committee. The second item was a motion by Councillor McGinn to remove the Mill District Overlay zoning amendment from the Committee. (Report received)

P275-22 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO take the memo from Curt Bellavance, Director of Community Development, dated December 3, 2020, regarding Proposed Zoning Amendment to the Mill District Overlay (MOD) out of the Committee and that it receives no further consideration by the City Council.

(Carried 8-1; Councillor Rossignoll opposed; Councillor Daigle voting present; Councillor Gamache absent)

AD HOC COMMITTEE ON AGGREGATE INDUSTRIES

APRIL 28, 2022

P276-22 COUNCILLOR O’NEILL – Reporting for the Ad Hoc Committee on Aggregate Industries – The Ad Hoc Aggregate Industries Committee met this evening for the annual review of the Aggregate Industries 2021 report. In attendance were committee members Rossignoll and Turco. Also in attendance were Councillors: Gould, Manning-Martin, Peach, McGinn, and Daigle. We also had a representative from Aggregate named Jarrett Temple, who is their manager of land and environmental. We discussed the lengthy report in overviews regarding the blasting and asphalt batch plant operations at the Russell Street location; and we also focused on the blasting noise background and water studies that were taken and produced in the report. There were 10 blasts at the quarry in 2021 producing 235 tons of aggregate. There were no written property damage claims submitted by residents; however, there were two phone calls received by the fire department relating to blasting levels from residents. One of the calls came in May 13th and the second one was made on September 30th. We also discussed neighborhood issues and concerns and violations of the allowable hours for early and late trucking at the facility, which I mentioned earlier at the meeting. One of them occurred in October where a truck entered past the allowed closing time, as well as a situation in November, which is a Saturday, where multiple trucks came from Atlantic Trucking before the facility was allowed to open. We have worked with Aggregate’s local manager Shawn Clancy, as well as senior levels, to understand that these types of violations will not be tolerated by either the residents or the council in the future. Lastly, we did hold an in-person meeting with Aggregate Industries prior to the start of the blast season this year, which included the blasting contractor, the fire department, as well as neighborhood representatives. There were also virtual attendees. That meeting was held on March 23rd. We discussed the report, neighborhood concerns, as well as the

proposed blast plan for this year. The proposed blast plan for 2022 is 20 blast events. The first blast was held on March 31st at the quarry, with the most recent one on April 21st. There were no known issues regarding these blasts at this point in time. Overall, the annual report complied with all requirements, including noise and air quality monitoring, groundwater and storm testing and monitoring. (Report received)

P277-22 COUNCILLOR O'NEILL – Reporting for the Ad Hoc Committee on Aggregate Industries – MOVE TO receive, under suspension of the rules, the following late communications.

Late 2 Robert J. Langley, Director of Engineering, re: Aggregate Industries 2021 Annual Report
Late 7 Sharon Cameron, Director of Health, re: Aggregate Industries 2021 Annual Report (revised)
(Unanimous)

P278-22 COUNCILLOR O'NEILL – Reporting for the Ad Hoc Committee on Aggregate Industries – MOVE TO approve the 2021 Aggregate Industries Annual Report with the following conditions:

1. Aggregate Industries should conduct additional noise mitigation efforts to ensure that the 10 decibel increase above background noise is not exceeded for any location for any period of time;
2. Background noise levels were last established in August of 2012. The City recommends that a new set of background noise levels be established in 2022;
3. Aggregate's noise management plan was last revised in February of 2005. The City recommends that this plan be updated in 2022 to incorporate any new best practices.
4. The Department of Public Services should be sent a hard copy of the 2022 annual report for their review, as well as each annual report moving forward;
5. Groundwater sampling from wells should continue to be done in the springtime. This would give the best chance for the wells to have adequate groundwater table to help ensure that a sample could be taken and analyzed
6. The spill prevention control and counter measure plan (SPCC) included in the annual report is stamped and dated by the engineer. It should be signed and dated by Aggregate Industries.

(Carried 10-0; Councillor Gamache absent)

MOTIONS, ORDERS AND RESOLUTIONS

P279-22 COUNCILLOR MANNING-MARTIN – MOVE TO receive and approve, under suspension of the rules, the following Item 9-A Junk Dealers License, subject to all papers being in order:

Golden Link, 515 Lowell Street
Martoni & James, 215 Newbury Street, #206
The Mod Haus, 58 Pulaski Street, 4th Floor
(Unanimous)

P280-22 COUNCILLOR MANNING-MARTIN (Co-motion with Councillor Melville) – MOVE TO refer the issue of expired City Council licenses to the Legal Affairs Committee.
(Unanimous)

P281-22 COUNCILLOR PEACH – MOVE TO receive and approve, under suspension of the rules, the following Item 9-B Banner Request, subject to all papers being in order:

Care Dimensions, 75 Sylvan Street, Danvers
St. Vasilios Greek Orthodox Church, 5 Paleologos Street
(Unanimous)

P282-22 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, Item 8-B communication from Mary Jane Mullen, 28 Champa Road, Billerica, MA, regarding Purchase of city-owned land; 0 Outlook Avenue and refer to the Community Development Department and City Solicitor for a legal opinion.

(Unanimous)

P283-22 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, Item 8-C communication from Scott Crooker, 2 First Avenue, Unit 101, regarding Special Permit application and set up a public hearing.

(Unanimous)

P284-22 COUNCILLOR WELTON – MOVE TO receive and approve, under suspension of the rules, Item 9-C Block Party - Granite/Lakeshore to Fairview/Lakeshore – June 17, 2022, subject to all papers being in order.

(Unanimous)

P285-22 COUNCILLOR WELTON – MOVE TO request that the Public Services Department repair the sidewalk in front of 83 Bartholomew Street.

(Unanimous)

P286-22 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Transfer of Funds – CPC – Lake and Pond Retention; \$40,900 and refer to the Finance Committee.

(Unanimous)

P287-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Update to list of Special Municipal Employees and refer to the Legal Affairs Committee.

(Unanimous)

P288-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Peabody Downtown Business Coalition regarding Meeting Minutes: 4/12/22.

(Unanimous)

P289-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 5 from Curt Bellavance, Director of Community Development, regarding Proposed Zoning Map Amendment to Expand the Mill Overlay District (MOD) and refer to the Industrial & Community Development Committee.

(Unanimous)

P290-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from The Kitty Cat Café & Adoption Lounge, Inc., 108 Newbury Street, regarding Special Permit application and set up a public hearing.

(Unanimous)

P291-22 COUNCILLOR TURCO (Co-motion with Councillor Gould) – MOVE TO receive, under suspension of the rules, late communication Item 1 from Councillor Jon Turco regarding Responsible Employer Ordinance, refer it to the Legal Affairs Committee, and request a legal opinion from the City Solicitor.

(Unanimous)

P292-22 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 8-E communication from Andrew Levin, Senior Planner, regarding Special Permit Application – 210 Andover Street.
(Unanimous)

P293-22 COUNCILLOR MELVILLE – MOVE TO request that the City Clerk provide the City Council with the expiration dates and renewal cost of all council licenses and refer to the Legal Affairs Committee.
(Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Previously received.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

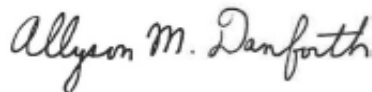
Previously received.

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:45 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MAY 2, 2022
RETURNED BY HIS HONOR THE MAYOR, MAY 2, 2022



ATTEST: _____
(Allyson M. Danforth, City Clerk)

COMMUNICATIONS:

- His Honor the Mayor re: Various appointments under date of April 21, 2022
- His Honor the Mayor re: Update to list of Special Municipal Employees
- His Honor the Mayor re: Transfer of Funds – CPC – Lake and Pond Retention; \$40,900
- Peabody Downtown Business Coalition re: Meeting Minutes: 4/12/22
- Mary Jane Mullen, 28 Champa Road, Billerica, MA, re: Purchase of city-owned land; 0 Outlook Avenue
- Scott Crooker, 2 First Avenue, Unit 101, re: Special Permit application
- The Kitty Cat Café & Adoption Lounge, Inc., 108 Newbury Street, re: Special Permit application
- Andrew Levin, Senior Planner, re: Special Permit application – 210 Andover Street
- Andrew Levin, Senior Planner, re: Class 2 MVL – 218 Newbury Street

JUNK DEALERS LICENSE: (Renewal for 2022)

- Golden Link, 515 Lowell Street
- Martoni & James, 215 Newbury Street, #206
- The Mod Haus, 58 Pulaski Street, 4th Floor

BANNER REQUEST:

Care Dimensions, 75 Sylvan Street, Danvers

St. Vasilios Greek Orthodox Church, 5 Paleologos Street

BLOCK PARTY:

Granite/Lakeshore to Fairview/Lakeshore – June 17, 2022