

REGULAR MEETING OF THE PEABODY CITY COUNCIL
MAY 26, 2022

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

ABSENT COUNCILLORS:

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.

HEARINGS

(COUNCILLOR DAIGLE RECUSED HERSELF FROM THE FOLLOWING PUBLIC HEARING.)

A public hearing was duly held on the application submitted by Antique Furniture & Upholstery, 58 Pulaski Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Matthew O'Connell. No one appeared to speak in favor. No one appeared to speak in opposition.

P334-22 COUNCILLOR PEACH – MOVE TO approve the application submitted by Antique Furniture & Upholstery, 58 Pulaski Street, Peabody, MA, for a Junk Dealers License for the sale of secondhand items at said 58 Pulaski Street, Peabody, MA, subject to all papers being in order and with the following conditions:

CONDITIONS:

1. Per the Health Department, Applicant must develop policies and procedures to ensure there is no unauthorized dumping or drop-off of materials outside of business hours;
2. Per the Health Department, Applicant must develop policies and procedures regarding process for ensuring that items for resale are sanitary and free of pests;
3. Per the Health Department, The collection and resale of mattresses should be prohibited;
4. Per the Health Department, Applicant should contract with a licensed pest control professional to provide service on a monthly basis or more frequently if needed; and
5. Per the Health Department, Applicant must ensure that discarded materials are collected by private trash hauler frequently enough so that outside storage of unwanted items does not create nuisance for abutters. Items to be discarded must be stored on the property and may not obstruct public ways.

(Carried 10-0; Councillor Daigle absent)

A public hearing was duly held on the application submitted by Paving Maintenance Systems, Inc., 65 North Central Street, Peabody, MA. Appearing to speak on behalf of the application was Atty. John Keilty and Mr. Stephen Marino. No one appeared to speak in favor. No one appeared to speak in opposition.

P335-22 COUNCILLOR PEACH – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Pavement Maintenance Systems, Inc., 2 Fuller Avenue, Swampscott, MA, for a Special Permit to operate a paving maintenance and repair company in an R-1A Zone as replacement for heavy and large towing company that operate on the site by Special Permit at 65 North Central Street,

Peabody, MA, as filed in accordance with Sections 1.5.1, 4.2, 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 hours of operation will be Monday through Friday from 5:30 a.m. to 8:00 p.m., Saturday for emergency response only, and no hours of operation on Sunday;
2. Parking for the 5:00 a.m. trucks will be on the far side of the building away from residential areas;
3. There will be no access from the property from North Central Street. This will be achieved by a gate that is erected in accordance with the Fire Department and Police Department;
4. Per the Health Department, Applicant shall implement a plan to ensure that any stockpiles of stone dust are managed to prevent nuisance or air pollution conditions and to prevent migration of dust into adjacent properties through runoff;
5. No asphalt will be stored on site; and
6. This is a non-transferrable special permit.

(Carried 11-0)

A public hearing was duly held on the application submitted by CV 13 Corwin, LLC, c/o Cargo Ventures, 13 Corwin Street, Peabody, MA. Appearing to speak on behalf of the application was Atty. John Keilty. No one appeared to speak in favor. Mr. John Argeros, 5 Waselchuk Drive, Peabody, MA; Mr. Richard Medina, 1-B Laurel Street, Peabody, MA; Ms. Anne Quinn, 198 Lynnfield Street, Peabody, MA; Mr. Russell Donovan, 12 Quail Road, Peabody, MA; and Mr. Joel Brenner, 5 Alexandra Street, Peabody, MA, appeared to speak in opposition.

P336-22 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, the following late communications:

Late 2 Ann Trainor, 140 Lynnfield Street, regarding City Council meeting May 26, 2022. Forward Air

Late 3 Councillor Craig Welton re: Corwin Street

(Unanimous)

P337-22 COUNCILLOR WELTON – MOVE TO recess the public hearing on the application submitted by CV 13 Corwin, LLC, c/o Cargo Ventures, 13 Corwin Street, so that the petitioner can address the following issues:

1. In accordance with the City of Peabody Zoning Ordinance 6.1.4(c) and Massachusetts Department of Environmental Protection Regulation 310 CMR 7.10, the petitioner has not conducted a sound-level assessment to determine whether the noise, which will result from the truck traffic generated by this project, will be in compliance with Massachusetts DEP Regulation 310 CMR 7.10. Further, no satisfactory provisions and arrangements have been suggested by the petitioner to ensure compliance with this regulation;

2. No condition analysis of the current pavement nor breakout of estimated axle weight was provided by the estimated 308 daily truck trips. Without an accurate assessment of the impact on the roadway infrastructure from this proposed project, there is no determination provided of ongoing expenses associated with roadway infrastructure upkeep nor agreement as to what amount of financial contribution would be appropriate to offset such expenses;
3. While there has been discussion regarding the development of a bypass road along the railway adjacent to the property of the proposed project, there is no indication of how feasible this development is or what the anticipated costs to the City may be. As such a full feasibility study, in addition to the commitment of the railway owner and the City of Peabody to move forward with this project, should be in place before such an option is considered and discussed in the context of the special permit hearing.

(Failed 9-2; Councillor Welton and Councillor Gamache voting in favor)

P338-22 COUNCILLOR WELTON – MOVE TO close the public hearing on the application from CV 13 Corwin, LLC, c/o Cargo Ventures, 13 Corwin Street, Peabody, MA.

(Carried 11-0)

P339-22 COUNCILLOR WELTON – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by CV 13 Corwin, LLC, c/o Cargo Ventures, 440 McClellan Highway, Unit 105P, East Boston, MA, for a Special Permit to operate a trucking terminal in an IP District at 13 Corwin Street, Peabody, MA, as filed in accordance with Sections 4.2.6, 6.1, and 15.7 of the Peabody Zoning Ordinance be **denied** based on the following reasons:

REASONS FOR DENIAL:

1. In accordance with the City of Peabody Zoning Ordinance 6.1.4(c) and Massachusetts Department of Environmental Protection Regulation 310 CMR 7.10, the petitioner has not conducted a sound-level assessment to determine whether the noise, which will result from the truck traffic to be generated from this project, will be in compliance with Massachusetts Department of Environmental Protection Regulation 310 CMR 7.10 Further, no satisfactory provision and arrangements have been suggested by the petitioner to ensure compliance with this regulation;
2. No condition analysis of the current pavement nor breakout of estimated axle weight was provided by the estimated 308 daily truck trips. Without an accurate assessment of the impact on our roadway infrastructure from this proposed project, there is no determination provided of ongoing expenses associated with roadway infrastructure upkeep nor agreement as to what amount of financial contribution would be appropriate to offset such expenses;
3. While there has been discussion regarding the development of a bypass road along the railway adjacent to the property of the proposed project, there is no indication of how feasible this development is or what the anticipated costs to the City may be. As such a full feasibility study, in addition to the commitment of the railway owner and the City of Peabody to move forward with this project, should be in place before such an option is considered and discussed in the context of the special permit hearing.
4. The application does not satisfy Section 6.1.4(a) "Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe within the site and in relation to adjoining streets, properties or improvements;" and
5. In accordance with Section 6.1.2, it is the judgment of the city council that the use for which the permit is sought does not satisfy a desirable local need, that its design and appearance will be 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 the City of Peabody Zoning Ordinance.

(Motion to deny carried 11-0)

REPORTS OF COMMITTEE

COMMITTEE OF THE WHOLE

MAY 17, 2022

P340-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO receive, under suspension of the rules, late communication Item 1 from Allyson M. Danforth, City Clerk, regarding 051722 Committee of the Whole – Charter Review motions.

(Unanimous)

P341-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – The following are motions out of committee to request Attorney Barrett to take action on. All of the motions were unanimous. In the next Committee of the Whole packet you will receive the updated amendments to the proposed charter, which will include all of the motions made that night to edit the charter. (Report received)

P342-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO request that Assistant City Solicitor Barrett provide the City Council with language to replace the words “42nd month” under Section 3-1(c) on page 15, line 19.

(Unanimous)

P343-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO request that Assistant City Solicitor Barrett provide the City Council with MGL language in reference to the sentence under Section 3-1(d) on page 16, starting at line 4 to line 9, “This subsection shall not prevent a city officer or other city employee who has vacated a position in order to serve as mayor from returning to the same office or other position of city employment held at the time such position was vacated; provided, however, that no such person shall be eligible for any other municipal position until at least 1 year following the termination of services as mayor.”

(Unanimous)

P344-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO request that Assistant City Solicitor Barrett provide the City Council with a recommendation for language in accordance with Massachusetts General Law specifying a record retention policy.

(Unanimous)

P345-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO request that Assistant City Solicitor Barrett review the definition of “multiple-member body,” reflecting our discussion this evening, and provide the City Council with a recommendation on how it can better define and/or where it is affected in the charter.

(Unanimous)

P346-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO request that Assistant City Solicitor Barrett provide the City Council with language to replace the following language under Section 3-3 on page 17, lines 20 and 21, “Upon the expiration of the term of any member of a multiple-member body, a successor shall be appointed under this article.”

(Unanimous)

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE

MAY 26, 2022

P347-22 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – We had three items on our agenda tonight. The first item was to change the table of uses to allow for

food processing in this particular BR1 zone. There was much discussion about it. We are looking forward to hearing good news about the pasta company that potentially is coming. (Report received)

P348-22 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO recommend a positive motion regarding a Zoning Ordinance Amendment to allow for “food processing” as a use allowed in the BR-1 Zoning District and set up a public hearing. (Unanimous)

P349-22 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – Second on the agenda we had a request from Councillor Manning-Martin for more information in regard to the Greenway Extension. We had a very informative presentation by Brendan Callahan of Community Development Department. There are some exciting things going on and it was good to hear the positive news on the Greenway. The last item was a communication from Curt Bellavance, Director of Community Development, regarding the MBTA Community – Multi-family Housing and to a T there wasn’t a soul that knew what specifically we were expected to do. Councillor Rossignoll made the following motion to not participate in any housing production plan without specific answers to any questions that may be brought up. That motion passed three to two. (Report received)

P350-22 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO send a communication to the Department of Housing & Community Development stating that the City Council of the City of Peabody will not enter into MBTA Community – Multi-family Housing under Section 3A of the Zoning Act, as provided by the Department of Housing & Community Development Compliance Guidelines for Multi-family Districts without a clear directive of what they are looking for. (Failed 7-3; Councillor Gould, Councillor Rossignoll, and Councillor Manning-Martin voting in favor; Councillor Gamache absent)

P351-22 COUNCILLOR MANNING-MARTIN – MOVE THE question. (Carried 10-0; Councillor Gamache absent)

P352-22 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE THAT councillors provide input to the City Clerk regarding the Department of Housing & Community Development compliance guidelines for MBTA community multi-family housing districts and that the City Clerk formulate a letter to the Department of Housing & Community Development from these inputs that diplomatically conveys the rationale for the City Council’s strong objections to the various aspects of the proposed State mandate. (Carried 8-2; Councillor Rossignoll and Councillor Manning-Martin opposed; Councillor Gamache absent)

AMENDMENT BY COUNCILLOR MANNING-MARTIN – MOVE THAT the City Clerk add the following language to the draft letter to be prepared by the City Clerk to the Department of Housing & Community Development: “The City Council of the City of Peabody will not enter into MBTA Community – Multi-family Housing under Section 3A of the Zoning Act, as provided by the Department of Housing & Community Development Compliance Guidelines for Multi-family Districts without a clear directive of what they are looking for. (Failed 8-2; Councillor Rossignoll and Councillor Manning-Martin voting in favor; Councillor Gamache absent)

LEGAL AFFAIRS COMMITTEE
MAY 26, 2022

P353-22 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met earlier this evening. In attendance were committee members: Councillor McGinn, Councillor Peach, Councillor Rossignoll, and Councillor Turco. We were also joined by the remaining members of the City Council. We also had Board of Registrar member Joel Brenner who attended. We had one agenda item on the docket, which was to discuss a temporary polling location change for Ward 2 voters for all 2022 elections. (Report received)

P354-22 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – MOVE TO receive, under suspension of the rules, Item 8-I communication from Judy Blodgett, Chairperson, Board of Registrars, regarding Legal Affairs Meeting 5/26.
(Unanimous)

P355-22 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – City Clerk Allyson Danforth presented an overview of the process to find a suitable alternate temporary polling place for Ward 2 residents due to the inability to use the Welch School during the times of elections due to the major construction project that's going to be beginning this summer. The construction project is only expected to affect the September primary and November general elections in 2022. Key factors that were used to evaluate the temporary polling location included these major areas: Number 1, location within Ward 2 with adequate size for social distancing and which would also fit all three precincts of Ward 2 in the same location; number 2, adequate parking for voters to be able to come and vote, and, lastly accessibility for elderly and handicapped residents. Other locations in Ward 2 were evaluated, however, there were issues with the possible alternate locations, which included parking and handicapped accessibility. It should be noted that the Board of Registrars met on May 12th and voted unanimously in support of moving the temporary location to the Azorean Brotherhood of the Divine Holy Ghost. By all evaluations left for people to look at and given the criteria we had to use, it was found that this was the best location to use for the September and November elections. It was noted that the lighting at the parking lot location of the Holy Ghost needs to be improved and PMLP is committed to providing additional lighting to brighten the parking area. As part of this possible change, it was discussed by Clerk Danforth that there is going to be a number of steps that will be taken to inform voters, which included a number of items of communication such as sending postcards to all voters in Ward 2 notifying them of this temporary change; working with the Police Department to place reader boards reflecting the change so people can see those as they're driving or walking by; Peabody Access Television will run bulletins informing the public of the temporary polling location change; updating the City website to include our 2022 polling locations; and sending out two robocalls advising voters of the upcoming election and also the polling locations. There was good discussion about the location, but also the alternate locations that were evaluated. Councillor McGinn made the following motion. (Report received)

P356-22 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – BE IT ORDERED by the City Council of the City of Peabody that in accordance with the provisions of Chapter 54, Section 24, of the Massachusetts General Laws, that the polling place for voters of Ward 2: Precinct 1, Precinct 2, and Precinct 3, be changed temporarily from the Welch Elementary School to the Azorean Brotherhood of the Divine Holy Ghost, 20 Howley Street, effective for the year 2022 only.
(Carried 10-0; Councillor Gamache absent)

MOTIONS, ORDERS AND RESOLUTIONS

P357-22 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-H communication from Massachusetts State Lottery Commission, 150 Mount Vernon Street, Dorchester, regarding KENO license; Cunat E. Bostonit, 26 Howley Street.
(Unanimous)

P358-22 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, Item 8-G communication from Toscana Forno, LLC, 139 Lynnfield Street, regarding Special Permit application and set up a public hearing.
(Unanimous)

P359-22 COUNCILLOR WELTON – MOVE TO receive and approve, under suspension of the rules, the following Item 9-B Block Party, subject to all papers being in order:

Alexandra Street & Travis Terrace – July 3, 2022
Lake Shore Road @ Bay State Road – July 3, 2022
Entrance to Tanner’s Ridge Road – June 11, 2022
(Unanimous)

P360-22 COUNCILLOR O’NEILL – MOVE TO receive, under suspension of the rules, Item 8-D communication from Carole Saslaw, Peabody Fire Prevention Bureau, regarding Motion P310-21 - Aggregate Blasting Complaints and refer to the Ad Hoc Committee on Aggregate Industries.
(Unanimous)

P361-22 COUNCILLOR O’NEIL – MOVE TO request Mayor Bettencourt, the Police Department, and the Public Services Department review and respond with their input into the installation of a crosswalk and crossing light at the intersection of Lowell Street and Lake Street.
(Unanimous)

P362-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of funds – Cable Fund Expense; \$211,656.48 and refer to the Finance Committee.
(Unanimous)

P363-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Curt Bellavance, Director of Community Development, regarding I&CD Committee - Outdoor Dining and refer to the Industrial & Community Development Committee.
(Unanimous)

P364-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-B communication from Kinder Morgan, 1001 Louisiana Street, Suite 1000, Houston, TX, regarding Working & digging near pipelines.
(Unanimous)

P365-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-C communication from Inn View, Citizens Inn Newsletter; Spring 2022.
(Unanimous)

P366-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules Item 8-E communication from Constantine G. Srivanos, Manager, Lowell Street Realty Holdings, LLC, 527 Lowell Street, regarding Special Permit application and set up a public hearing.
(Unanimous)

P367-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-F communication from Melissa Guevin, The Dogmother, LLC, 558 Lowell Street, regarding Special Permit application and set up a public hearing.
(Unanimous)

P368-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-J communication from Brendan Callahan, Assistant Director of Planning, regarding Peabody Independence Greenway Bikeway Extension Project Update.
(Unanimous)

P369-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-K communication from Allyson M. Danforth, City Clerk, regarding Proposed salary increase for election poll workers and refer to the Finance Committee.
(Unanimous)

P370-22 COUNCILLOR MCGINN - MOVE TO receive and approve, under suspension of the rules, Item 9-A Entertainment License (Renewal for 2022) VFW Post 1011, 20 Stevens Street, subject to all papers being in order.
(Unanimous)

P371-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 9-C communication from Peabody Municipal Light Plant, 201 Warren Street Extension, regarding Petition #22-162 for locating two new poles on Dearborn Road and set up a hearing.
(Unanimous)

P372-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 9-D Entertainment License (New) Azorean Brotherhood of the Divine Holy Ghost, 20 Howley Street, and set up a public hearing.
(Unanimous)

P373-22 COUNCILLOR TURCO (Co-motion with Councillor Welton) - MOVE TO install a streetlight on an existing pole at the corner of Lynch Street and Will Sawyer Road and refer to Public Services Department and Peabody Municipal Light Plant.
(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.

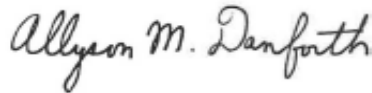
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 10:45 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JUNE 2, 2022

RETURNED BY HIS HONOR THE MAYOR, JUNE 2, 2022



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

COMMUNICATIONS:

His Honor the Mayor re: Transfer of funds – Cable Fund Expense; \$211,656.48
Curt Bellavance, Director of Community Development, re: I&CD Committee – Outdoor Dining
Kinder Morgan, 1001 Louisiana Street, Suite 1000, Houston, TX, re: Working & digging near pipelines and pipeline facilities
Inn View, Citizens Inn Newsletter; Spring 2022
Carole Saslaw, Peabody Fire Prevention Bureau, re: Motion P310-21 – Aggregate Blasting Complaints
Constantine G. Srivasan, Manager, Lowell Street Realty Holdings, LLC, 527 Lowell Street, re: Special Permit application
Melissa Guevin, The Dogmother, LLC, 558 Lowell Street, re: Special Permit application
Toscana Forno, LLC, 139 Lynnfield Street, re: Special Permit application
Massachusetts State Lottery Commission, 150 Mount Vernon Street, Dorchester, re: KENO license;
Cunat E. Bostonit, 26 Howley Street
Judy Blodgett, Chairperson, Board of Registrars, re: Legal Affairs Meeting 5/26
Brendan Callahan, Assistant Director of Planning, re: Peabody Independence Greenway Bikeway Extension Project Update
Allyson M. Danforth, City Clerk, re: Proposed salary increase for election poll workers

ENTERTAINMENT LICENSE: (Renewal for 2022)

VFW Post, 1011, 20 Stevens Street

BLOCK PARTY:

Alexandra Street and Travis Terrace – July 3rd
Lake Shore Road @ Bay State Road – July 3rd
Entrance to Tanner's Ridge Road – June 11th

POLE PETITION:

Peabody Municipal Light Plant, 201 Warren Street Extension, re: Petition #22-162 for locating two new poles on Dearborn Road

ENTERTAINMENT LICENSE: (New)

Azorean Brotherhood of the Divine Holy Ghost, 20 Howley Street