

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JUNE 24, 2021

PRESENT COUNCILLORS: GOULD, MANNING-MARTIN, SASLAW, WELTON, CHAREST, MCGINN, MOUTSOULAS, TURCO, ROSSIGNOLL, MELVILLE, AND O'NEILL

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 Mark J. O'Neill.

Salute to the American Flag.

COUNCILLOR O'NEILL – 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.

P352-21 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of June 10, 2021.
(Unanimous)

HEARINGS

(COUNCILLOR MELVILLE RECUSED HIMSELF FROM THE FOLLOWING HEARING)

A public hearing was duly held on the Special Permit application filed by Spero J. Demakes, 29-31 Lynnfield Street, Peabody, MA. Atty. John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P353-21 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, the following communications and refer to this public hearing.

8-H Arthur Athas, 26 Lynnfield Street, re: Wardhurst Restaurant request for permanent outdoor dining and alcohol consumption
Late 3 Licensing Board re: 31 Lynnfield Corporation Inc., d/b/a The Wardhurst, 31 Lynnfield Street, Peabody
(Unanimous)

P354-21 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Spero J. Demakes, 29-31 Lynnfield Street, Peabody, MA, for a Special Permit to add a 30' X 24' deck to the rear of the building for outdoor dining use at said 29-31 Lynnfield Street, Peabody, MA, as filed in accordance with Sections 1.5.1, 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 applicant shall comply with the inputs provided by the Conservation Commission;
2. The deck will not be enclosed;
3. There will be no direct access to the deck from the parking lot except to facilitate emergency access and/or egress;
4. The dumpster will not be relocated;
5. Deck lighting will be limited to the two (2) existing light fixtures on the exterior wall of the building and the addition of string lights designed and situated such that they do not illuminate abutters' properties. String lights will be off during times that use of the deck is not permitted;
6. The existing two fences along the 27 and 33 Lynnfield Street property lines shall be removed and replaced with new, wood, eight (8) foot height, sight-impervious privacy fences along the entire length of such property lines. The applicant shall have responsibility for the ongoing maintenance and repair of the fences and shall provide secure parking blocks to protect the fences. For the avoidance of doubt, new fencing must be in place before use of the deck commences;
7. The minimum number of parking spaces required under zoning ordinance Section 9.2 shall be maintained;
8. The deck may only be utilized between the hours of 11:00 a.m. and 10:00 p.m.;
9. There will be no entertainment on the deck;
10. There will be no smoking on the deck;
11. Existing temporary outdoor dining facilities shall be removed before the use of the deck commences;
12. Real estate tax payments on the applicant's 8 Bourbon Street property will be paid in full no later than July 30, 2021, and no building permit for the deck shall be issued until such taxes are paid; and
13. Special permit shall not be subject to transfer should ownership of the property change. New owner or operator desiring to continue use of the deck would be required to reapply to the special permit granting authority.

(Carried 10-0; Councillor Melville absent)

A public hearing was duly held on the Special Permit application filed by Bosun's Assets and Operations, LLC, d/b/a Bosun's Marine, 203 Newbury Street, Peabody, MA. Atty. John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P355-21 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, late communication Item 4 from Atty. John Keilty on behalf of Bosun's Assets and Operations, regarding Determination.

(Unanimous)

P356-21 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Bosun's Assets and Operations, LLC, d/b/a Bosun's Marine, 203 Newbury Street, Peabody, MA, for a Special Permit to display new and pre-owned boat inventory and customer boats and to allow boat sales and rental in the BR-1 Zone at 203 Newbury 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. All deliveries must take place within the property and vehicles shall not queue on the shoulder of Newbury Street.

(Carried 11-0)

A public hearing was duly held on the Special Permit application filed by Silvercar, Inc., 252 Andover Street, Peabody, MA. Atty. John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P357-21 COUNCILLOR CHAREST – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Silvercar, Inc., 252 Andover Street, Peabody, MA, for a Special Permit to rent automobiles from inside the premises at 252 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:

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.

(Carried 11-0)

A public hearing was duly held on the Special Permit application filed by Christine Lander, 99 (aka 101) Lynn Street, Peabody, MA. Ms. Christine Lander appeared to speak on behalf of the application. Mr. Tim Hallinan, 99 Lynn Street, Peabody, MA, and Ms. Sarah Salama, 17 MacArthur Road, Peabody, MA, appeared to speak in favor. Ms. Kathleen O'Leary, 34 Coolidge Avenue, Peabody, MA; Ms. Michelle Adams, 50 Warren Street, Peabody, MA; Ms. Kate Porter, 9 Winnegance Avenue, Peabody, MA; Ms. Lianne Conrad, 112 Lynn Street, Peabody, MA; Ms. Gloria Eppinger, 5 Winnegance Avenue, Peabody, MA; Ms. Patricia Kaminski, 9 Serena Terrace, Peabody, MA; Mr. James Coughlin, 105 Lynn Street, Peabody, MA; Ms. Amy Breau, 12 Winnegance Avenue, Peabody, MA; Mr. Ronald Casitas, 114 Lynn Street, Peabody, MA; and Ms. Maryann Murray, 95 Lynn Street, Peabody, MA, appeared to speak in opposition.

P358-21 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, the following communications and refer to this public hearing:

Late 1 Councillor Craig Welton, re: Motion P328-21 – 106 Main Street 15-minute parking
 Late 2 Conway Cahill-Brodeur, 82 Lynn Street, re: Permission for Bombshell Boutique - Parking
 Late 6 Sheri Walsh, 9 Coolidge Ave., re: Agenda/Opposed; Bombshell Boutique Expansion
 (Unanimous)

P359-21 COUNCILLOR WELTON – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Christine Lander, 99 (aka 101) Lynn Street, Peabody, MA, to amend Special Permit 29-2019 to allow for an additional two chairs to the existing hair salon and to expand into the adjacent space for uses allowed under a current cosmetology license at said 99 (aka 101) 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 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 shall be Monday through Saturday from 8:00 a.m. to 9:00 p.m. with no Sunday hours;
2. There will be mandatory prearranged off-site parking for all employees;
3. All services provided by the applicant's business must be covered by an active cosmetology license and a full and specific list of all services with proof of proper licensing shall be provided to the Director of Health upon issuance of special permit;
4. All trash must be stored in a closed receptacle located on the side of the building. No trash receptacles will be permitted to be stored in front of the business or on the public walkway at any time, and private trash pickup must retrieve the barrels from the side of the building;
5. All business lighting must be extinguished upon the conclusion of the operating hours each day;
6. All special permit conditions must be adhered to or the applicant will be brought back before the City Council for a show cause hearing, which could result in the revocation of the special permit.

(Carried 8-3; Councillor Gould, Councillor Manning-Martin, and Councillor Saslaw opposed)

REPORTS OF COMMITTEE

Industrial & Community Development Committee

June 24, 2021

P360-21 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – We met this evening and all councillors were in attendance, besides the members of the committee. We were fortunate to have the Mayor and Community Development Director Bellavance in attendance as well. Councillor Manning-Martin had made a motion to refer to this committee a communication from His Honor the Mayor regarding Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory. The mayor gave us a very detailed explanation about safe harbor as it relates to potential 40B sites. Councillor Manning-Martin gave information about various project filings. The mayor went into detail about the filings and in discussion with Community Development Director Bellavance. It was a very informative meeting. We also met in regard to a motion by Councillor Manning-Martin who referred a review of our zoning language with respect to outdoor dining so that we can take a look at what areas are working well and what areas we need to tweak. There was a healthy discussion about the current situation and we had one motion. (Report received)

P361-21 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO request that the Community Development Department review our outdoor dining language and recommend updates to the zoning and/or application process.
(Unanimous)

MOTIONS, ORDERS AND RESOLUTIONS

P362-21 COUNCILLOR GOULD (Co-motion with Councillor Moutsoulas) – Whereas an emergency condition exists affecting the health, safety, and welfare of citizens of the City of Peabody; therefore be it ordered by the City Council of the City of Peabody that the Public Services Department repair the sidewalk at 2 Roycroft Road.

(Emergency Preamble - Carried 10-0; Councillor Turco absent)

(Motion to adopt - Carried 10-0; Councillor Turco absent)

P363-21 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of Funds – Cable Fund Expense; \$120,000.00 and refer to the Finance Committee

(Unanimous)

P364-21 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Bond Order – Capital Improvements; \$4,800,000.00 and refer to the Finance Committee

(Unanimous)

P365-21 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Transfers of Funds – Various Transfers and refer to the Finance Committee.

(Unanimous)

P366-21 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Allyson M. Danforth, City Clerk, regarding Response to Motion P294-21; Pending items in various committees.

(Unanimous)

P367-21 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-G communication from Albert Talarico, Building Commissioner, regarding ZBA and Weights and Measures fees and refer to the Finance Committee.

(Unanimous)

P368-21 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 9-A Class 2 Motor Vehicle License (Transfer) Detour Cars d/b/a Auto Factory, 288 Newbury Street, and set up a public hearing.

(Unanimous)

P369-21 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department install a “Do Not Block Intersection” sign at the corner of Lowell Street and Proctor Circle heading west.

(Unanimous)

P370-21 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department replace the berm and fill in the gaping hole in front of 34 Reed Road.

(Unanimous)

P371-21 COUNCILLOR WELTON – MOVE TO request that the Public Services Department install a “30-minute parking” sign on the easterly side of Lynn Street from the corner of Coolidge Avenue in a northerly direction for 275 feet.

(Unanimous)

P372-21 COUNCILLOR WELTON – MOVE TO request that the Public Services Department install a “30-minute parking” sign from the corner of Coolidge Avenue northerly to 104 Lynn Street or 275 feet from the corner of Coolidge Avenue.

(Unanimous)

P373-21 COUNCILLOR WELTON – MOVE TO amend Section 19-96 entitled “Fifteen Minutes Zones Designated Monday through Sunday” of the Code of the City of Peabody in front of 104 Lynn Street.

(Unanimous)

P374-21 COUNCILLOR WELTON – MOVE TO request that the Public Services Department install “No Parking Here to Corner” signs at the end of Coolidge Avenue and Martinack Avenue in accordance with Section 19-82 “Parking prohibited at safety zones.”

(Unanimous)

P375-21 COUNCILLOR CHAREST – MOVE TO receive and approve, under suspension of the rules, the following Item 9-B Block Party, subject to all papers being in order:

Martha Ter. @ Ellsworth Rd, and Irving St. @ Hunt St.– July 4, 2021

5-8 Glen Drive – July 17, 2021

(Unanimous)

P376-21 COUNCILLOR CHAREST – MOVE TO request that Captain Richards, Police Department, prepare language for an ordinance addressing the use of modified exhaust systems in vehicles that is consistent with state law.

(Unanimous)

P377-21 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Michael Owens, Re-Precincting Community Engagement Director, Office of the Secretary of the Commonwealth, regarding Peabody Re-precincting Info and refer to the Committee of the Whole.

(Unanimous)

P378-21 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 5 from Councillor Mark O’Neill regarding Re-Precincting Working Group.

(Unanimous)

P379-21 COUNCILLOR TURCO – MOVE TO request that Public Services Director Robert Labossiere appear before the Public Services Committee to update the City Council on the summer schedule of sidewalk repairs and to provide an updated copy of the sidewalk repair list to the council.

(Unanimous)

P380-21 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-B communication from Holley Hart-Todd, 25 Outlook Avenue, regarding Application for purchase of city-owned land; 0 Outlook Avenue; to request input from Community Development Department; and to refer to the Legal Affairs Committee.

(Unanimous)

P381-21 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-E communication from Atty. John Keilty, 40 Lowell Street, on behalf of Peabody Living, LLC, regarding Easement request; 234 Bartholomew Street; to request input from Community Development Department and the Public Services Department; and to refer to the Legal Affairs Committee.
(Unanimous)

P382-21 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, Item 8-C communication from Allyson M. Danforth, City Clerk, regarding Response to Motion P277-21; Valley Circle/Bartholomew Street and refer to the Legal Affairs Committee.
(Unanimous)

P383-21 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, Item 8-F communication Jennifer Davis, Dir., Park, Recreation & Forestry Dept., regarding Response to Motions: P305-21, P306-21, P291-21, and P293-21.
(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.

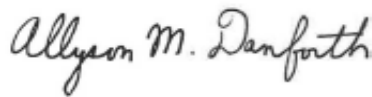
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 11:00 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JUNE 30, 2021

RETURNED BY HIS HONOR THE MAYOR, JUNE 30, 2021



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

COMMUNICATIONS:

His Honor the Mayor re: Transfer of Funds – Cable Fund Expense; \$120,000.00

His Honor the Mayor re: Bond Order – Capital Improvements; \$4,800,000.00

His Honor the Mayor re: Transfers of Funds – Various Transfers

Michael Owens, Re-Precincting Community Engagement Director, Office of the Secretary of the Commonwealth, re: Peabody Re-precincting Info

Holley Hart-Todd, 25 Outlook Avenue, re: Application for purchase of city-owned land; 0 Outlook Avenue
Allyson M. Danforth, City Clerk, re: Response to Motion P277-21; Valley Circle/Bartholomew Street
Allyson M. Danforth, City Clerk, re: Response to Motion P294-21; Pending items in various committees
Atty. John Keilty, 40 Lowell Street, on behalf of Peabody Living, LLC, re: Easement request; 234
Bartholomew Street

Jennifer Davis, Dir., Park, Recreation & Forestry Dept., re: Response to Motions: P305-21, P306-21,
P291-21, and P293-21

Albert Talarico, Building Commissioner, re: ZBA and Weights and Measures fees

Arthur Athas, 26 Lynnfield Street, re: Wardhurst Restaurant request for permanent outdoor dining and
alcohol consumption

Class II Motor Vehicle License: (Transfer)

Detour Cars d/b/a Auto Factory, 288 Newbury Street

Block Party:

Martha Ter. @ Ellsworth Rd, and Irving St. @ Hunt St.– July 4, 2021

5-8 Glen Drive – July 17, 2021