



Ward Councillors

Jon G. Turco, Ward 1
Peter M. McGinn, Ward 2
James Moutsoulas, Ward 3
Edward R. Charest, Ward 4
Joel D. Saslaw, Ward 5
Barry C. Sinewitz, Ward 6

Councillors at Large

Michael V. Garabedian
Thomas L. Gould
David C. Gravel
Anne M. Manning-Martin
Thomas P. Walsh

Clerk of Council

Timothy E. Spanos

City Council

Stenographer

Allyson Danforth, RPR

City Hall
24 Lowell Street

978-538-5900
FAX (978) 538-5985



PEABODY CITY COUNCIL

Special Permit #4

Map 75 Lot 229A

April 7, 2016

Building Inspector
City Hall
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, March 31, 2016, the following Special Permit was approved:

P189-16 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from NHR Realty, LLC, 39 West Water Street, Wakefield, MA, for a Special Permit to ratify addition of second floor space to preexisting, nonconforming commercial structure in R-2 zoning district and to allow the continued use of the premises as the office and shop of a mechanical contractor at 22 Stevens Street (R), Peabody, MA, as filed in accordance with Sections 1.5, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reason 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. That the specific type of mechanical contractor be that of a heating ventilation and air conditioning contractor;
2. In accordance with the special permit application, business hours of operation shall be from 7:00 a.m. to 6:00 p.m. Monday through Friday excluding public holidays for normal operations and seven (7) days per week, twenty-four (24) hours per day exclusively to access needed tools and materials on the premises to support emergency service calls;
3. That vehicles used to support normal operations not exceed the size of a commercial van;
4. That the number of vehicles stored on the premises outside hours of normal operations not exceed six (6) vehicles;



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5. No pickup or delivery of supplies utilizing trucks shall occur on Saturday or Sunday or on public holidays or between the hours of 5:00 p.m. and 7:00 a.m. on any other day of the week;
 6. No apparatus, including, but not limited to, antennas or satellite receiving devices, shall be placed on any roof or any façade of the structure where visible from Stevens Street;
 7. Any sign shall comply with the Zoning Ordinance of the City of Peabody and be limited in size so as to not be objectionable to abutters;
 8. All trash and recycling shall be contained such that it is not visible from Stevens Street and adequately screened such that it is not visible to abutters;
 9. Trash and recycling materials shall be removed by a private trash removal service and no municipal trash pickup shall be provided. For the avoidance of doubt, trash collection shall be in accordance with the ordinances of the City of Peabody and no trash or refuse or recycling collections shall occur between the hours of 7:00 p.m. and 7:00 a.m. of any day of the week;
 10. In accordance with the special permit application, construction hours of operation shall be from 8:00 a.m. to 5:00 p.m. Monday through Saturday;
 11. In proportion with the petitioner's interest in the right of way to the premises, petitioner shall make reasonable commercial effort to work with abutters to undertake maintenance of such right of way including improvements and snow removal; and
 12. Alleged violations of special permit conditions may result in a show cause hearing at the City Council.
- (Carried 10-0; Councillor Sinewitz absent)





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

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 27, 2016

IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON APRIL 28, 2016 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 PETER M. MCGINN
CITY COUNCIL PRESIDENT

Timothy E. Spanos
City Clerk

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