



Ward Councillors

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Michael V. Garabedian
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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 07

Map 85 Lot 236

May 10, 2016

Building Inspector
City Hall
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, May 10, 2016, the following Special Permit was approved:

COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from James Kaloutas, 11 Railroad Avenue, Peabody, MA for a Special Permit to construct a multi-

family use of three (3) upper floors or residential addition to the existing building at 34 Railroad Avenue, Peabody, MA with commercial use on the first floor as a restaurant 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. There shall be a maximum total of fifteen (15) dwelling units in up to three upper floors in single structure on the lot. There shall be no dwelling units on the first level of the structure which shall be utilized for a restaurant use. The development shall be in accordance with the schematic design and site plan entitled Kaloutas Commercial, 34 Railroad Avenue, Peabody, MA dated April 8, 2016 as presented and received at the special permit hearing.
2. Except as required by the provisions of the inclusionary zoning requirements of the zoning ordinance of the City of Peabody, the developer shall make reasonable commercial effort to maintain all remaining dwelling units as market rate condominiums or apartments.
3. Residential parking shall be as per the submitted site development permit plan, however, should zoning change at a time prior to the transfer of the special permit where such change allows for residential parking permits in municipal parking spaces, parking shall comply with then in effect parking requirements.



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4. All exterior renovations and additions to the structure and any sign for the commercial use in the structure shall comply with the zoning ordinance of the City of Peabody any shall be carried out in a manner consistent with City of Peabody's Downtown Design Standards for the Main Street Sub-district. No sign for the commercial use shall be placed on the structure where visible from the adjacent park.
5. 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 adjacent streets or parks.
6. No window air conditioners or similar apparatus shall be installed in the windows of the structure.
7. In cases of snow accumulation events of greater than two inches, no snow storage is permitted on site and all snow must be removed to an acceptable location.
8. All trash and re-cycling materials shall be fully contained within a sight impervious fence such that such materials are adequately screened from adjacent streets and parks.
9. Trash and recycling materials shall be removed by a private trash removal service at a frequency adequate to prevent excessive accumulations of such material from residential and commercial uses 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. No pickup or delivery of supplies associated with the commercial use in the structure and utilizing trucks shall occur between the hours of 6:00 p.m. and 7:00 a.m. of any day of the week and any trucks carrying out any such pickup or delivery activities shall utilize a dedicated on-site loading area directly adjacent to the easterly side of the structure.
11. Landscaping shall be established and maintained in accordance with the submitted site development permit plan.
12. In accordance with the special permit application, construction hours of operation shall be from 7:00 a.m. to 6:00 p.m. Monday through Saturday.
13. Food establishment plan review application must be submitted to the Peabody Health Department prior to the start of construction.
14. Fire warning and protection systems shall be reviewed and approved by the Fire Prevention office / bureau as per CMR 780 8th edition.



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15. The project shall be subject to site plan review and approved by the Construction Review Committee and Planning Board in accordance with the provisions of Section 12 and Section 5 of the City of Peabody Zoning Ordinance.
16. At the time of special permit transfer request, the party requesting receipt of the special permit shall attend the City Council meeting where such transfer is considered to address any questions the City Council may have at that time.
17. Alleged violations of special permit conditions may result in a show cause hearing at the City Council.

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 MAY 31, 2016

IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON JUNE 1, 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.





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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

