



PEABODY CITY COUNCIL

Special Permit #9

Map 86 Lot 150B

April 10, 2015

Building Inspector
City Hall
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, April 9, 2015, the following Special Permit was approved:

COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from Nikolay Polinovskiy, 955 Mass Avenue, Cambridge, MA for a Special Permit seeking a mixed use of residential and retail, service and office use with garage underground, 1st floor commercial, 2nd and 3rd floor with 12 residential units located at 158-160 Main Street, Peabody, MA be approved as filed in accordance with Sections 43.2.6, 11.6 and 15.7 of the Peabody Zoning Ordinance. Said decision is 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.

Conditions:

- 1) All past due property taxes shall be paid by Noon on April 10, 2015.
- 2) Site layout shall be in accordance with the site development permit plan received by the City of Peabody on April 2, 2015.
- 3) There shall be a maximum of twelve (12) dwelling units in the upper two levels and no dwelling units on the first level of a single structure on the lot.
- 4) In accordance with the approved Conservation Commission Order of Conditions and a note on the site development permit plan received by the City of Peabody on April 2, 2015, no snow storage is permitted on site and all snow must be removed to an acceptable location.
- 5) The applicant shall minimize any/all disturbance to Main Street. All pavement trenches will be heat treated.
- 6) The dumpster shall be fenced in to prevent debris leaving the site and entering Strongwater Brook.

Ward Councillors

Barry P. Osborne, Ward 1
Peter M. McGinn, Ward 2
James Moutsoulas, Ward 3
Robert E. Driscoll, 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

Ward Councillors

Barry P. Osborne, Ward 1
Peter M. McGinn, Ward 2
James Moutsoulas, Ward 3
Robert E. Driscoll, 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

- 7) All trash and recycling shall be contained in the rear of the lot not visible from the street and such trash and recycling storage location shall be indicated on the final version of the site plan and shall be approved by the Construction Review Committee and Planning Board as a function of site plan review.
- 8) All construction to conform to 780 CMR, 527 CMR 1 NFPA 13 and NFPA 72. All plans for construction, sprinkler, and fire alarm to be submitted and approved in advance by the Peabody Fire Department.
- 9) Construction hours of operation shall be as per the Special Permit application; "7:30 a.m. to 4:00 p.m."
- 10) Business hours of operation shall be as per the Special Permit application; "10:00 a.m. to 11:00 p.m."
- 11) 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 the street.
- 12) No window or air conditioner or similar apparatus shall be installed in the windows of the structure.
- 13) Landscaping shall be established and maintained in accordance with the provisions of Section 10.5.3 C2 of the City of Peabody Zoning Ordinance.
- 14) 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.
- 15) Alleged violations of Special Permit conditions may result in a show cause hearing at the City Council.

(Carried 10-0, 1 absent)

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.

City Hall
24 Lowell Street

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



PEABODY CITY COUNCIL

Ward Councillors

Barry P. Osborne, Ward 1
Peter M. McGinn, Ward 2
James Moutsoulas, Ward 3
Robert E. Driscoll, 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

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 30, 2015

IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON MAY 1, 2015 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 THOMAS P. WALSH
CITY COUNCIL PRESIDENT

Timothy E. Spanos
City Clerk

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

City Hall
24 Lowell Street

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