



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
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PEABODY CITY COUNCIL

Special Permit #10

Map 63 Lot 95

June 6, 2016

Building Inspector
City Hall
Peabody, MA

Dear Sir:

Special Permit Decision of the Peabody City Council: On March 31, 2016, the City Council approved the Special Permit application filed by Onyx Renewable Partners for property at 201 Warren Street Extension. On April 7, 2016, the City Clerk in accordance with Section 9 of the City Charter submitted the Council's motion of approval to the Mayor. On April 14, 2016, Mayor Edward A. Bettencourt, Jr. vetoed said motion. On May 5, 2016, the City Council received said veto message. On May 12, 2016, the City Council sustained the Mayor's veto message and did not over-ride the same. **The Special Permit as filed by the applicant is denied.**

P314-16 COUNCILLOR CHAREST – MOVE THAT in accordance with Section 9 of the City Charter to sustain the Mayor's Veto Message with regards to City Council motion P191-16; Special Permit application approval from Onyx Renewable Partners for property at 201 Warren Street Extension, Peabody, MA to install ground-mounted photovoltaic solar panels. (MAYORS VETO MESSAGE WAS SUSTAINED 11-0 – SPECIAL PERMIT APPLICATION IS DENIED).

P191-16 COUNCILLOR CHAREST – BE IT ORDERED by the City Council of the City of Peabody that the application from Onyx Renewable Partners, 125 E 56th Street, New York, NY, for a Special Permit to install ground-mounted photovoltaic solar panels on city-owned property located at 201 Warren Street Extension, Assessors Map 63, Parcel 95, 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 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. The developer shall provide a screen of trees or shrubs on abutters' land;
2. No trees on private property shall be removed;
3. The developer shall employ a tagging system on trees to be removed;
4. Any damage to private property to be made whole.



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5. The applicant shall work with a licensed soil evaluator to confirm soil textures and determine the seasonal high groundwater table in the areas of the infiltration basins. The applicant's representative shall contact the Department of Public Services to setup an agreeable time for soil testing.
 6. Both the northerly and southerly solar array installations calls for areas of 8 foot cuts into the existing slope. Preliminary soil testing is to be conducted to determine if seasonal groundwater will be encountered.
 7. The site plan shall clearly define the top of the northerly basin, it appears to be between elevation 81 and 82. The Hydro-CAD calls for the top of the basin to be at elevation 82;
 8. The site plan shall clearly define the top of the southerly basin, it appears to be between elevation 80 and 81. The Hydro-CAD calls for the top of the basin to be at elevation 81;
 9. An emergency spillway shall be designed for both basins in order to prevent basin overtopping;
 10. A detail for both basin outlet control structure shall be included on the site plan;
 11. The engineer shall design a means to reduce potential scouring of the soil at the basin outlet. Currently the outlet pipe is set at a 16% slope.
 12. Erosion control shall be shown on the site plan at the limits of the construction, to reduce the potential of sediment entering the riparian zone.
 13. The applicant's engineer is utilizing a CN of 61 and 74 for post construction grass cover of greater than 75% under the solar arrays. The engineer shall verify what the expected percentage of grass cover under the solar arrays is to be.
- (Carried 10-0; Councillor Sinewitz 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.

THE LAST DAY TO FILE AN APPEAL IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, CHAPTER 40A, SECTION 17 IS JUNE 27, 2016



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COUNCILLOR PETER M. MCGINN
CITY COUNCIL PRESIDENT

Timothy E. Spanos
City Clerk

cc: Planning Board, Community Development Department, Police Department,
Human Services Department, Peabody Municipal Light Plant

