



# PEABODY CITY COUNCIL

Special Permit #12

**Map 115 Lot 131A**  
**Map 116 Lot 257**

June 22, 2015

Building Inspector  
City Hall  
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, June 11, 2015, the following Special Permit decision is based on a public hearing held on said June 11, 2015 in accordance with a remand order from the Superior Court of Essex County; Civil Action 2013-1211D; James C. Pica et al vs the City Council of the City of Peabody with respect to the Plaintiff's proposal to develop two parcels of land at 176 Lynn Street and 8 Linden Street with a farm stand on one parcel that is within a B-N Zoning District and a greenhouse on a second parcel that is within an R-1A Zoning District, and in addition to operate a retail store for the sale of packaged alcoholic beverages, beer & wine, with instructions to determine whether or not the primary proposed usage is agricultural or horticultural under Massachusetts General Laws, Chapter 40A, Section 5:

P418-15 COUNCILLOR OSBORNE - MOVE THAT a communication be sent to the Honorable Judge Lang informing him that on Thursday evening, June 11, 2015, a public hearing was held regarding his order to remand and it was determined at that meeting that due to counsel for the petitioner's own admission and the records of the original meeting that he did not have enough room to grow anything other than mostly flowers; and the size of the greenhouse presented in the original petition had not changed and remained at the original dimensions; and the fact that the communication from the petitioner's counsel could not prove under questioning that most of the items mentioned in what the proposed store criteria would be could not actually be grown in the greenhouse, so a determination was made by the Peabody City Council that the primary use of this property would not be agricultural or horticultural. (Carried 11-0)

PEABODY CITY COUNCIL  
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CITY COUNCIL PRESIDENT

Timothy E. Spanos  
City Clerk

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Timothy E. Spanos

## City Council Stenographer

Allyson Danforth, RPR

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