



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 #18

Map 110 Lot 001

July 19, 2016

Building Inspector
City Hall
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, July 14, 2016, the following Special Permit was denied:

COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application from Cellco Partnership d/b/a Verizon Wireless c/o McLane Middleton, PA, 900 Elm Street, Manchester, NH for a Special Permit requesting to construct a wireless communications facility on property numbered 38 Coolidge Avenue, Peabody, MA as filed in accordance with Sections 6.1, 7.9 and 15.7 of the Peabody Zoning Ordinance be denied based on the following reasons:

Reasons:

1. The City is aware of the federal legislative framework to facilitate wireless communications coverage and its pre-emptive effect on local zoning;
2. Simultaneously the City is sensitive to the efforts made in municipal planning to create premium residential neighborhoods for our citizens and the expectation of those residents whom have invested significantly in their homes plus those tenants who choose to live in Peabody to continue to enjoy that quality of life;
3. The City believes that these two realities conflict, as in this case, when a cell tower is proposed for construction in a residential neighborhood;
4. The City also is aware that it can develop alternatives for a cell tower proposer an effort that has been ongoing in this case, and that of the Michael's Limousine Lynn Street application, for an extended time;
5. Recently the City has coordinated with Peabody Municipal Light Plant to suggest it consider building a distributed antennae system ("DAS") which would eliminate the need for a cell tower in this case and for any other carrier who may petition for coverage enhancements in Peabody;
6. Most significantly, and at the last hearing on this matter, counsel for this petitioner, unequivocally stated that his client would be "the first customer" to access a DAS if made available in Peabody;
7. Relying on that representation by the petitioner's counsel, work was undertaken between the petitioner, through its counsel, our legal department and PMLP, to investigate the possibility of pursuing this option;
8. That work resulted in a recent, unanimous vote by the PMLP Commissioners directing the General Manager to proceed to issue an RFP for such a DAS;
9. Given the reality of PMLP developing this system, it is the City's contention that such a system solves this wireless carrier's alleged gap in coverage claim, and those of other such carriers that may be made in the future, plus it preserves the integrity of our neighborhoods.

(Motion to deny carried 8-1, 2 absent; Councillor Manning-Martin opposed; Councillors Saslaw and Garabedian 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.

THE LAST DAY TO FILE AN APPEAL IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, CHAPTER 40A, SECTION 17 IS AUGUST 8, 2016

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, Legal Department

