



#### 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  
Mark J. O'Neill, Ward 6

#### Councillors at Large

Thomas L. Gould  
David C. Gravel  
Anne M. Manning-Martin  
Ryan Melville  
Thomas J. Rossignoll

#### 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 #4

**Map 085 Lot 115**

February 26, 2018

Building Inspector  
City Hall  
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, February 22, 2018, the following Special Permit was approved:

COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application from Sarah Narcus, 24 Saxony Road, Framingham, MA for a Special Permit to allow for community and event space at 43 Main Street, 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 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) Hours of operation for events and/or business administration:
  - a. Sunday through Thursday, 7:00 a.m. – 10:30 p.m. (with back deck closed and outdoor cooking & related cleanup to cease by 8:00 p.m.)
  - b. Friday and Saturday, 7:00 a.m. – Midnight (with back deck closed and outdoor cooking & related cleanup to cease by 10:00 p.m.)
- 2) Hours of operation event setup &/or cleanup:
  - a. 1.5 hours before or after event hours of operation
- 3) There will be no trucks and no loading or unloading of vehicles in the rear of the building between the hours of 1:00 a.m. and 6:00 a.m. Saturday; 1:00 a.m. and 9:00 a.m. Sunday; and between the hours of 11:00 p.m. Sunday through Thursday and 6:00 a.m. Monday through Friday. Trucks that are not able to make a three point turn on the property to exit the property shall not be permitted in the rear of the building at any time and shall utilize the Main Street loading zone only.
- 4) There will be no idling of any vehicles permitted in the rear of the building.
- 5) There will be no smoking of any type or vaping anywhere on the property.



# PEABODY CITY COUNCIL

## 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  
Mark J. O'Neill, Ward 6

## Councillors at Large

Thomas L. Gould  
David C. Gravel  
Anne M. Manning-Martin  
Ryan Melville  
Thomas J. Rossignoll

## Clerk of Council

Timothy E. Spanos

## City Council

### Stenographer

Allyson Danforth, RPR

City Hall  
24 Lowell Street

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

- 6) Use of parking at the rear of the building will be limited to use by employees and event support staff.
- 7) Owners will make ongoing reasonable efforts to prevent noise from becoming disruptive to residential abutters.
- 8) Owner contact information will be provided to direct abutters to facilitate addressing issues that may arise.
- 9) There will be no amplified noise or music permitted on the back deck or outdoors at any time. The garage door may remain open to allow flow in/out of the building to and from the deck during the hours the deck is permitted to be open. The garage door will remain closed whenever possible to limit noise and the garage door will always be closed during the hours deck is not permitted open.
- 10) As soon as economically feasible, a visual buffer (latticework and/or landscaping or other), will be established around the back deck to provide some degree of privacy to residential abutters.
- 11) All outdoor cooking equipment (temporary propane, charcoal, or electric powered grills, smokers, roasters or similar equipment) will be operated only by professional staff and with limited noise. All outdoor cooking activity will take place on, to the extent permitted by fire safety codes, or adjacent to the back deck as far from residential abutter's property as possible.
- 12) Any lights at the rear of the building will be designed and situated such that they do not illuminate abutter's properties and all lights at the rear of the building will be off during times that back deck use and outdoor cooking activity are not permitted except to the limited extent lighting is required by code to illuminate emergency egress and to facilitate loading or unloading activity.
- 13) The primary means of access and egress of event participants in and out of events shall be by way of the Main Street doors. Except for the purpose of accessing the back deck, the rear doors to the building shall only be utilized by event participants as an emergency exit.
- 14) Trash, recycling and other debris related to events will be removed from the site on a daily basis by visitors/vendors who utilize the event space to prevent the accumulation of any such materials. A dumpster on the site utilized by the restaurant or other commercial use tenant shall be placed such that it does not create a nuisance condition (objectionable odors, rodent attraction etc.) to abutters and, if moved from current location, shall be screened in some manner to minimize abutter's visibility to the dumpster.
- 15) Construction hours of operation shall be from 7:00 a.m. to 6:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. Saturday with no Sunday hours.



# PEABODY CITY COUNCIL

## 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  
Mark J. O'Neill, Ward 6

## Councillors at Large

Thomas L. Gould  
David C. Gravel  
Anne M. Manning-Martin  
Ryan Melville  
Thomas J. Rossignoll

## Clerk of Council

Timothy E. Spanos

## City Council Stenographer

Allyson Danforth, RPR

City Hall  
24 Lowell Street

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

16) If food is to be prepared on-site for service to the public, a commercial kitchen meeting the requirements of the federal food code must be installed. A plan review must be conducted by the Health Department prior to start of renovation.

17) The building shall comply with all current life safety codes that are required by the Building Code, Mass General Laws, and NFPA Codes.

(Carried 9-0, 2 absent; Councillors McGinn and Moutsoulas)

**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 20<sup>TH</sup> DAY FALLS ON A WEEKEND DAY (SATURDAY OR SUNDAY), THE NEXT BUSINESS DAY IS CONSTITUTED AS THE 20<sup>TH</sup> 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 MARCH 19, 2018**

**IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON MARCH 20, 2018 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 EDWARD R. CHAREST  
CITY COUNCIL PRESIDENT

Timothy E. Spanos  
City Clerk

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