



**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 101 Lot 021X**

May 12, 2017

Building Inspector  
City Hall  
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, May 11, 2017, the following Special Permit was approved:

COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application from ALV Corp., 11 Green Street, Danvers, MA for a Special Permit seeking the issuance of a new Special Permit for continuation of a non-conforming use, specifically, the operation of a restaurant, the entire use, to be for eat in and also for takeout, in addition to the sale of dairy products, at 117 Lynnfield Street, Peabody, MA as filed in accordance with Sections 1.5.1, 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.

1. There shall be no expansion of the existing footprint.
2. The seating capacity shall not be more than 50 seats.
3. There shall not be a separate room for birthday parties, weddings, sports teams celebrations, i.e. Little League, Pop Warner football, etc., or other similar type functions or activities. Furthermore in order to discourage the premises from being a so-called hangout for adolescents, there shall be no video games and/or jukeboxes.
4. There shall be no deliveries at the premises between 7:00 p.m. and 6:00 a.m.
5. Kitchen and food service activities for customers of the restaurant shall commence at 6:00 a.m. and cease at 4:00 p.m. Monday through Saturday and on Sunday it shall commence at 9:00 a.m. and cease at 4:00 p.m. For the purpose of this paragraph kitchen and food service activity shall mean the taking of customer orders. Nothing contained herein shall prohibit the preparation during other hours of food to be served later in the day or for the next day. The dairy bar service activities (which include ice cream, yogurt, and other similar type products and drinks) for customers shall continue daily until 10:00 p.m. All of the foregoing to be seven days per week as in the past. The premises shall not be open during Christmas Day.



# 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  
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



6. No alcoholic beverages are to be sold or consumed upon the premises, nor carried in by patrons to be consumed.
7. The within Special Permit is issued to the applicant ALV Corporation and if any other person shall, in the future, seek to operate a restaurant, as aforesaid, then he/she or it, as the case may be, must petition the City Council or other appropriate permit-granting authority for a new Special Permit. Furthermore in accordance with the Zoning Ordinance, any amendments or changes in use will have to be approved by the City Council or other appropriate permit-granting authority and the plaintiff reserves all of his rights to contest and appeal same.
8. The dumpster shall be located either at the rear of the building or on the westerly side of the building. Furthermore the dumpster shall not be emptied between 7:00 p.m. and 7:00 a.m.
9. The exhaust fans shall be located toward the westerly side of the building. The kitchen shall be no closer to the easterly side of the building than the previous food preparation area.
10. The 6 foot high fence (except for the initial approximate feet of fence beginning at the front property line, shall be similar in nature to the fence on the westerly boundary of the property) shall be at the sole cost and expense of ALV Corporation, Inc., and be erected and continue to be maintained in good condition along the easterly boundary to a depth of 140 feet from the property line.
11. The easterly side of the building shall be maintained with the windows to be repaired or boarded up or sealed in a neat manner at the option of ALV Corporation.
12. Applicant shall work with Community Development Department regarding vehicular egress and access concerning the property.
13. Employees shall be encouraged to park toward the rear of the property and furthermore all plantings shall be maintained by ALV Corporation, Inc., next to the fence from the property line a distance of 50 feet in length and 5 feet in width from the foregoing fence.
14. Any trash receptacles shall be placed in visible areas, i.e., the front yard and parking lot, and shall be policed at all times with regard to litter control. Applicant can work with the Community Development Department for placement of said trash receptacles.
15. No removal of trees at the perimeter of the property on the northerly and westerly sides. In the event of an accidental or need for the removal of a tree, it shall be replaced with a tree of equal size and caliber, as was removed.
16. The dumpster/grease trap to be placed on a pad and in an enclosure.
17. Payment of real estate taxes shall be made in the amount of \$77,972.31 + accruing interest and whatever else may be owed at the time of closing to City of Peabody.
18. No expansion of the existing pavement beyond the currently paved area.



#### 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

**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 JUNE 1, 2017**

**IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON JUNE 2, 2017 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 JOEL D. SASLAW  
CITY COUNCIL PRESIDENT

Timothy E. Spanos  
City Clerk

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