



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 #24

Map 94 Lot 55 & 56

June 28, 2017

Building Inspector
City Hall
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, June 22, 2017, the following Special Permit was approved:

P443-17 COUNCILLOR MCGINN - BE IT ORDERED by the City Council of the City of Peabody that the application from Peterbuilt, LLC, 7 Raylen Avenue, Peabody, MA, for a Special Permit to expand the building envelope of a nonconforming building and use at 168-172 Washington Street, Peabody, MA, as filed in accordance with Sections 1.5, 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. There shall be a single structure on the lot. There shall be a maximum total of one (1) dwelling unit on the first level of the structure. The Washington St. facing portion of the first level of the structure shall be utilized for a business use permitted in the B-N zoning district. There shall be a maximum total of two (2) dwelling units on the second floor of the structure and a maximum total of two (2) dwelling units on the third floor of the structure. There shall be no dwelling units in the basement level of the structure.
2. The expansion of the building envelope is strictly to accommodate current building code requirements for the means of egress (hallways, stairs, secondary access and door openings). Such expansion shall not exceed the area of the current foundation and shall not increase the height of the structure.
3. The petitioner shall make reasonable commercial effort to maintain all dwelling units as market rate apartments or condominiums.
4. All residential and business use parking shall be maintained on the adjacent lot (Assessors map ID: 094-056). Any pickup or delivery of supplies associated with the business use in the structure shall be accommodated in this same adjacent lot. Provided parking space size requirements of zoning are satisfied and that no vehicle shall interfere with any sidewalk, a maximum of two parking spaces may be available accessed by a curb cut on Swampscott Avenue.



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5. No apparatus, including, but not limited to, antennas or satellite receiving devices, shall be placed on any roof or any façade of the structure where visible from Washington Street, Foster Street or Swampscott Avenue.
6. No window air conditioners or similar apparatus shall be installed in the windows of the structure.
7. Any sign for the business use in the structure shall comply with the zoning ordinance of the City of Peabody.
8. All trash and recycling shall be contained such that it is not visible from the street and adequately screened such that it is not visible to abutters and such trash and recycling storage location shall be indicated on the final version of the site plan and shall be approved by the construction review committees and planning board as a function of site plan review.
9. Trash and recycling materials shall be removed by a private trash removal service and no municipal trash pickup shall be provided. For the avoidance of doubt, trash collection shall be in accordance with the ordinances of the City of Peabody and no trash or refuse or recycling collections shall occur between the hours of 7:00 p.m. and 7:00 a.m. of any day of the week.
10. 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. on Saturday.
11. Construction equipment, construction supplies, demolition equipment and all dumpsters utilized for demolition and construction shall be stored to minimize disruption to abutters.
12. The project shall be subject to site plan review and approved by the Construction Review Committee and Planning Board in accordance with the provisions of Section 12 of the City of Peabody Zoning Ordinance.
13. Alleged violations of special permit conditions may result in a show cause hearing at the City Council.

(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.





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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 JULY 18, 2017

IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON JULY 19, 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,

