



#### 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 #27

## Map 35 Lot 21

September 18, 2018

Building Inspector  
City Hall  
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, September 13, 2018, the following Special Permit was denied:

P642-18 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from Goochanathy, LLC, Scott A. MacGregor, Manager, 133 Granby Road, South Hadley, MA, for a Special Permit requesting to allow for an adult paraphernalia store doing business as Adam & Eve at 212-216 Newbury Street, Peabody, MA, as filed in accordance with Sections 4.2.5, 6.1, and 15.7 of the Peabody Zoning Ordinance be denied based on the following reasons and subject to the following conditions:

#### **REASONS FOR DENIAL:**

1. That the business is surrounded by abutting businesses that serve a large adult population; and
2. That there's no local desirable need for the business.

#### **CONDITIONS:**

1. The types of advertising materials that could be located within the windows or storefront for the building allow no sexually explicit or rude materials to be directly viewable by the public;
2. That there be appropriate signage restricting persons younger than 18 years old from entering the premises;
3. That there be no live entertainment;
4. That the guests of the establishment for book signings or other promotional appearances will be fully clothed at all times;
5. The first half of the store facing Newbury Street will contain and display the lingerie, clothes, shoes, boots, etc., along with two dressing rooms, and the rear section of the store will contain and display the adult-themed pleasure products, an office, bathrooms, and storage area for inventory; and
6. That any bags for any of the merchandise purchased is opaque so that any materials wouldn't be viewed by any pedestrians.

(Motion to deny Carried 6-4; Councillors: Manning-Martin, Rossignoll, Turco, and Charest opposed; Councillor Gravel voted present)



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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 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 OCTOBER 8, 2018**

**IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON OCTOBER 9, 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,