



Ward Councillors

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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 #30

Map 75 Lot 164A

October 16, 2018

Building Inspector
City Hall
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, October 11, 2018, the following Special Permit was approved:

COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from 16 Robin, LLC, James A. Cavaliere, Manager, 16 Robin Street, Everett, MA, for a Special Permit seeking to allow an office and shop for contractors, etc., with outdoor storage of vehicles and equipment with six foot high fence surrounding storage yard and limited service and repair of vehicles owned by applicant indoors at 0 Tremont Street (f/k/a 45 Tremont 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 reason 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. The egress shall be reviewed under Construction Review by the Police Department, Fire Department, and Public Services Department.
2. Per the Health Department Response, no construction debris is to be stored on-site. Ensure ventilation system is adequate to prevent migration of nuisance odors from vehicle repair activities from migrating to neighbors. Applicant shall be required to development an Integrated Pest Management Plan for this operation.
3. Per Public Services Department Response,
 - a. The Site Development Permit Plans that were provided to this Department were not to scale. All future submittals shall contain properly scaled plans.
 - b. An as-built survey shall be performed on the sewer, water and drainage infrastructure that is currently existing on the site and shown on the existing conditions sheets.



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- c. The applicant has agreed to install a City sewer main (at their expense) on the site as shown on the plans at the request of this Department.
 - i. This project is being done to relieve the existing overburdened sewer main on Tremont Street and will be accepted in lieu of an infiltration/inflow removal project.
 - ii. The sewer main shall be contained within a 20-foot wide City utility easement, provided by the applicant.
 - iii. The sewer main shall be sleeved in one full length of 12-inch ductile iron pipe where it passes under the proposed retaining wall off of Tremont Street.
 - iv. The first associated sewer manhole shall be left accessible at all times. This can be accomplished by either being placed in a landscaped island as currently shown on the plan or with striping and a "No parking" sign installed in front of it. If the sewer manhole is contained within an island, the island shall be graded to prevent water from ponding over the sewer manhole.
 - v. The applicant's attorney shall work with City Solicitor's Office to draft all required documents for this project.
 - vi. The plan shows an excessive amount of fill to be placed over the City's new sewer main (14 feet). The applicant's engineer shall look at reducing the cover over the sewer main to 11 feet or less.
- d. All new sewer mains (pressure test) and associated manholes (vacuum test) shall be tested for water tightness in the presence of this Department.
- e. All proposed retaining walls shall be clearly called out on the grading sheet and designed in a manner not to create ponding.
- f. The stormwater design requires a small portion of the front easterly building to be piped to raingarden A and 13,810 square feet of the rear building to be piped to the diversion manhole and ultimately to the infiltration bed and storage vault. Roof drainage plans shall be submitted to and approved by this Department for these 2 buildings prior to the issuance of a building permit.
- g. The stormwater vault will be tested for water tightness in the presence of both the design engineer and this Department.
- h. A bed bottom inspection shall be conducted of the infiltration bed, raingardens and porous pavement areas by the applicant's design engineer, licensed soil evaluator and site assessment firm. This inspection shall be witnessed by the Public Services Department.
- i. Per the note on sheet 9 of 10 of the Site Development Permit Plans, all unsuitable material shall be removed in and 5 feet around the infiltration bed, raingardens and porous pavement. An approved sieve analysis shall be conducted of the proposed fill that is to be placed in the area of the infiltration bed, raingardens and porous pavement. The results of this sieve analysis shall be approved by the design engineer and a certification statement shall be provided to this Department prior to backfilling.



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- j. The Site Development Permit Plan shall contain a detail on all utility crossings proposed to go over or under the existing Lawrence Brook culvert. No utilities will be allowed to go through or penetrate the existing culvert.
- k. A post-construction video inspection shall be conducted of the existing culvert system from Tremont Street to Webster Street, to determine the condition of the culvert after all underground work within 10 feet of the culvert is completed. All deficiencies with the culvert shall be addressed by the applicant at his or her own expense. This shall be done prior to the applicant receiving a final occupancy permit.
- l. A copy of the US EPA NPDES permit shall be filed with this Department.
- m. Upon completion of this project an as-built plan shall be submitted to this Department. The as-built plan shall show all new onsite and offsite features (buildings, pavement, porous pavement, curbing, and water/sewer/drainage utilities associated with this project.) The as-built plan shall be submitted prior to requesting final occupancy.
- n. The Stormwater O&M is to be revised to reflect the following revisions:
 - i. If there is to be any other responsible parties, other than Robert Denisco, the O& M shall clearly define the responsible party-parties and list an address and telephone number for each party.
 - ii. The O&M shall direct the property owner/responsible party to mail proof of inspections and cleaning of the stormwater system to the Public Services Department c/o Environmental Engineer, 50 Farm Avenue, Peabody, MA 01960 by October 31st of every year and to retain a copy for themselves.
- o. All future revised Site Development Permit Plans and Stormwater Management Reports shall contain an original stamp and dated signature on them.

(Carried 11-0)



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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.

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 NOVEMBER 5, 2018

IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON NOVEMBER 6, 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