



Ward Councillors

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Councillors at Large

Michael V. Garabedian
Thomas L. Gould
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Anne M. Manning-Martin
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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 #31

Map 85 Lot 173

November 17, 2017

Building Inspector
City Hall
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, November 16, 2017, the following Special Permit was approved:

COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from One Main Peabody, LLC, 28 Jennifer Lane, Peabody, MA for a Special Permit to allow the premises at 1 Main Street, Peabody, MA to be used as a multi-family/mixed use building containing a total of twenty residential units as filed in accordance with Sections 4.2.1, 5, 6.1, 9.2.1 and 15.7 of the Peabody Zoning Ordinance be approved subject to the following conditions and based on the following reasons:

Conditions:

1. There shall be a maximum total of twenty (20) dwelling units on the second and third floors in the existing structure on the lot. There shall be no dwelling units on the first level of the structure which shall be utilized for a restaurant use. There shall be no dwelling units on the basement level of the structure. The development shall be in accordance with the O'Shea Apartments, 1 Main Street Peabody drawing package dated October 5, 2017 as supplemented with the addition drawings received at the November 16, 2017 public hearing.
2. As indicated in the application, except as required by the provisions of the inclusionary zoning requirements of the zoning ordinance of the City of Peabody, the developer shall make reasonable commercial effort to maintain all remaining dwelling units as market rate condominiums or apartments.
3. Residential parking shall be in accordance with the parking management plan included with the application as "12 E. continuation sheet".
4. All exterior renovations to the structure and any sign for the commercial use in the structure shall comply with the zoning ordinance of the City of Peabody any shall be carried out in a manner consistent with City of Peabody's Downtown Design Standards for the Main Street Sub-district.
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 adjacent streets and/or properties.



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6. As indicated in the application, no window air conditioners or similar apparatus shall be installed in the windows of the structure and all HVAC equipment will be installed such that it is not visible or screened from sight from adjacent streets and/or properties.
7. As indicated in the application, all trash and re-cycling materials shall be fully contained within the building and professional pest control services will be utilized on an ongoing basis.
8. As indicated in the application, trash and recycling materials shall be removed by a private trash removal service at a frequency adequate to prevent excessive accumulations of such material from residential and commercial uses 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.
9. In accordance with the special permit application and City ordinances, 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.
10. Fire alarm and sprinkler systems shall meet all current requirements for new construction as per Massachusetts General Laws and the Massachusetts Building code.
11. The project shall be subject to construction review and subject to the recommendations of the Construction Review Committee.
12. Alleged violations of special permit conditions may result in a show cause hearing at the City Council.

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.

(Carried 10-0, 1 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.



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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 DECEMBER 7, 2017

IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON DECEMBER 8, 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





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12 E. CONTINUATION SHEET

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As you can see from our site plan, the building covers the entire lot area so that there is no on-site parking. Our zoning ordinance requires 20 parking spaces for this proposal. However, section 9.2.1 of our zoning ordinance allows for a parking management plan to be approved by the council in lieu of providing on-site parking. Our parking management plan is as follows: Numbers 2, 3, 7 and 8 of the Parking Management Plan elements are not applicable as there is no on-site parking and the Petitioner does not own any contiguous or nearby lot owned by the same entity as the principal lot.

With respect to the remaining elements numbered 5, 6 and 9, the parking requirement will be satisfied by utilizing the four to five municipal parking lots that are in close proximity to the building. Each of the applicable parking lots has a limited number of available residential parking passes as set forth in section 19-108.1 of our City Code.

Just across the street on Foster Street is a municipal parking lot with 13 available parking passes. Further up Main Street at the intersection of Main Street and Nichols Lane is another municipal parking lot with 12 available parking passes. There is also a municipal parking lot next door to Dunkin Donuts with 9 available parking passes, and another directly across the street on Railroad Avenue, behind the court house, with 19 available parking passes. In addition, there is the Mill Street municipal parking lot with 27 available parking passes. All of these municipal parking lots are in easy walking distance from the petitioner's property. The Petitioner will obtain from the City Clerk 20 of the available parking passes and make them available to the tenants and their visitors/guests. The Petitioner will also incorporate into all of the leases an acknowledgement that there is no on-site parking available and that the tenant may purchase, if available and on a first-come, first served basis, a residential parking pass from the petitioner or from the City, to utilize any of the aforementioned municipal parking lots. The Petitioner will also incorporate into all of the leases that the tenant's or their guests/visitors car cannot be parked in the same parking pass space for more than 48 hours. In addition, the leases will contain a disclosure that during snow emergencies/storms that all vehicles parked in the municipal lots must be removed by 8:00 am the following morning or as instructed by the police department or department of public services so that they may be plowed, failing which, said vehicles may be towed at the owner's expense.

The petitioner owns the abutting property numbered 3 Main Street. It contains commercial space on the street level and ten apartments on the 2nd and 3rd floors. The building has the benefit of 10 parking spaces at the rear of the building, one of which is a handicapped parking space. Although not owned by the same entity as required under our parking management plan, the petitioner will designate an additional parking space as handicapped so that both handicapped spaces may be used by any handicapped individuals residing in either of the two buildings. For tenants that utilize a bicycle for transportation, the bikes can be brought upstairs to their unit or stored in their storage unit, if applicable.