



# PEABODY CITY COUNCIL

Special Permit #24

## Ward Councillors

Barry P. Osborne, Ward 1  
Peter M. McGinn, Ward 2  
James Moutsoulas, Ward 3  
Robert E. Driscoll, 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

## Map 85 Lot 75

December 17, 2015

Building Inspector  
City Hall  
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, December 10, 2015, the following Special Permit was approved:

P889-15 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from Adriano Taugino, 182 Lake Drive, Hamilton, MA, for a Special Permit seeking to develop a commercial/residential mixed-use occupancy consisting of six (6) residential units on two floors providing fourteen (14) parking spaces at 98 Main Street, Peabody, MA, as filed in accordance with Sections 4.2.1, 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. There shall be a maximum total of six (6) dwelling units in single structure on the lot. There shall be a maximum total of three (3) dwelling units on the second level of the structure, a maximum total of three (3) dwelling units on the third level of the structure, no dwelling units on the first level of the structure, and no dwelling units on the basement level of the structure;
2. The petitioner shall make reasonable commercial effort to maintain all dwelling units as market rate apartments or condominiums;
3. All exterior renovations to the structure shall be carried out in a manner consistent with the communication from the Peabody Historical Commission dated November 9, 2015;
4. 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 Main Street;
5. No window air conditioners or similar apparatus shall be installed in the windows of the structure;





# PEABODY CITY COUNCIL

## Ward Councillors

Barry P. Osborne, Ward 1  
Peter M. McGinn, Ward 2  
James Moutsoulas, Ward 3  
Robert E. Driscoll, 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. Any sign for the commercial use in the structure shall comply with the Zoning Ordinance of the City of Peabody and be subject to review by the Peabody Historical Commission;
7. No snow storage is permitted on site and all snow must be removed to an acceptable location;
8. All trash and recycling shall be contained in the rear of the structure 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 committee and planning board as a function of site plan review;
9. In accordance with the special permit application, 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. No pickup or delivery of supplies associated with the commercial use in the structure and utilizing trucks shall occur between the hours of 5:00 p.m. and 7:00 a.m. of any day of the week and any trucks carrying out any such pickup or delivery activities shall utilize dedicated loading zones on Main Street or shall utilize the single enlarged parking spot directly adjacent to the rear of the structure;
11. Fencing and/or landscaping shall be established and maintained on the northeasterly property line such that adequate year round screening of automotive headlights is established to prevent light from such headlights from creating a nuisance condition on abutting properties. The exact nature of such fencing and/or landscaping shall be presented by the petitioner to the abutters for comment and upon receipt of such comment, a diagram illustrating such fencing and/or landscaping shall be provided and shall be approved by the construction review committee and planning board as a function of site plan review;
12. If possible given the limitations of the site, landscaping shall be established and maintained in accordance with the provisions of section 10.5.3 C 2 and 5.2.8 of the City of Peabody Zoning Ordinance and shall be approved by the construction review committee and planning board as a function of site plan review;
13. The petitioner shall notify residential tenants of dwelling units in lease documents and otherwise; guests of residential tenants of dwelling units; customers of the commercial use; and service providers of the commercial use, such as delivery vehicles and waste removal trucks, that they shall not park on the property of abutters unless an agreement is established between the petitioner and abutter(s) to allow such parking;





# PEABODY CITY COUNCIL

## Ward Councillors

Barry P. Osborne, Ward 1  
Peter M. McGinn, Ward 2  
James Moutsoulas, Ward 3  
Robert E. Driscoll, 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

14. Business hours of operation shall be from 5:00 a.m. to 6:00 p.m. seven (7) days per week;
15. In accordance with the special permit application, construction hours of operation shall be from 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. on Saturday;
16. Construction equipment, construction supplies, demolition equipment, and all dumpsters utilized for demolition and construction shall be stored adjacent to the rear of the structure as far from the northeasterly property line as reasonably practical;
17. Food establishment plan review application must be submitted to the Peabody Health Department prior to the start of construction;
18. Barriers currently surrounding the parking area shall be removed from the property no later than at time of granting of occupancy permit;
19. Fire protection is required with change of use. Fire Department access shall be maintained. There shall be no interference with the established fire lane adjacent to the easterly property line;
20. In proportion with the petitioner's interest in the right of way and fire lane adjacent to the easterly property line, petitioner shall make reasonable commercial effort to work with abutters to undertake maintenance of such right of way and fire lane including improvements and snow removal;
21. 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 and Section 5 of the City of Peabody Zoning Ordinance; and
22. Alleged violations of special permit conditions may result in a show cause hearing at the City Council.

(Carried 9-2; Councillor Garabedian and Councillor Sinewitz opposed)

**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.*





# PEABODY CITY COUNCIL

## Ward Councillors

Barry P. Osborne, Ward 1  
Peter M. McGinn, Ward 2  
James Moutsoulas, Ward 3  
Robert E. Driscoll, 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

**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 JANUARY 6, 2016**

**IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON JANUARY 7, 2016 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 THOMAS P. WALSH  
CITY COUNCIL PRESIDENT

Timothy E. Spanos  
City Clerk

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

