



PEABODY CITY COUNCIL

Special Permit #8

Map 114 - Lot 98A
Map 119 - Lot 25

June 20, 2013

Building Inspector
City Hall
Peabody, MA

Dear Sir:

At a Special Meeting of the Peabody City Council held on Thursday evening, June 6, 2013, the following Special Permit was approved:

P426-13 COUNCILLOR OSBORNE - BE IT ORDERED by the City Council of the City of Peabody that the application from The City of Peabody and Michael D. Solimine, Trustee of MJ II Realty Trust, 426 Broadway, Lynn, MA, for a Special Permit to construct an elevated water tower on the water tank lot; pumping station (within a shed) on Lot 1A1, and placement of wireless communication facilities on the Water Tank Lot (antenna equipment and accessories located on the water tower and accessory structures located on the Water Tank Lot; such structures located not less than 5 feet from the lot lines on a portion of a parcel identified as Lot 1A1 (47,608 sq. ft.±) (Plan Book 436, Plan 74) at intersection of Bartholomew Street and Gedney Drive (Pump Station Lot) and Water Tank Lot A (25,750 +/- sq. ft.) (Plan Book 436, Plan 75) off Marsh Circle, Peabody, MA, as filed in accordance with Sections 4.2.4, 4.4 and 15.7 of the Peabody Zoning Ordinance, be approved based on the following reasons and conditions:

REASON: Owing to the fact that the use as approved 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. All wireless communication equipment to be attached to the side of the water tank;
2. A height restriction for all wireless communication equipment not to exceed five (5) feet above the height of the tank;
3. There will be no additional structures for the purpose of providing wireless communication to be built on either the Water Tank Lot or the Pump Station Lot; and
4. The Special Permit will go with the realty trust that petitioned and if ownership of this easement should leave the family of the petitioner, then the Special Permit would be reviewed by the City Council before approval to a third party.

(Carried 9-1; Councillor Mello opposed; Councillor Gravel absent)

Ward Councillors

Barry P. Osborne, Ward 1
Arthur W. Athas, Ward 2
Rico E. Mello, Ward 3
Robert E. Driscoll, Ward 4
David R. Gamache, Ward 5
Barry C. Sinewitz, Ward 6

Councillors at Large

Michael V. Garabedian
Thomas L. Gould
David C. Gravel
James K. Liacos
Anne M. Manning-Martin

Clerk of Council

Timothy E. Spanos

City Council

Stenographer

Allyson Danforth

City Hall
24 Lowell Street

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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.

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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 JULY 10, 2013

IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON JULY 11, 2013 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 L. GOULD
CITY COUNCIL PRESIDENT

Timothy E. Spanos
City Clerk

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

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