



#### 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  
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



# PEABODY CITY COUNCIL

Special Permit #11

## Map 85 Lot 75

March 2, 2017

Building Inspector  
City Hall  
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, February 23, 2017, the following Special Permit was approved:

P130-17 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from Adriano Taugino, Manager of A & A Properties, LLC, 98 Main Street, Peabody, MA, for a Special Permit to develop a commercial/residential mixed-use occupancy consisting of 1 residential unit on the second floor and a bakery facility or an allowed by-right business use on the first floor at said 98 Main, 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:**

- A. All conditions of Special Permit 2015-24 granted on December 10, 2015, shall be applicable to this Special Permit except that;
  - i. Condition 1 shall be modified to state; There shall be a maximum total of one (1) dwelling unit in a single structure on the lot. There shall be a maximum total of one (1) dwelling unit on the second level of the structure, no 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.
  - ii. Condition 2 shall be modified to state; The petitioner shall make reasonable commercial effort to maintain the dwelling unit as owner-occupied or as a market-rate apartment or condominium.
  - iii. Condition 3 shall be modified to state; Exterior building details shall remain unchanged except that they may be repaired in accordance with the applicant's plans provided such repairs are carried out in a manner sensitive to the style, character and construction techniques and materials of the original construction. In the event the exterior design requires modification, such modification is subject to review and approval by the Peabody Historical Commission.
  - iv. Condition 15 shall be modified to state; Construction hours of operation shall be from 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday.



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B. Should applicant later proceed with plans to redevelop the property in a manner consistent with that which was allowed under Special Permit 2015-24, Special Permit 2015-24, including all conditions thereof, shall apply and nothing within the granting of this Special Permit shall alter Special Permit 2015-24.

(Carried 8-1; Councillor Manning-Martin opposed; Councillor Garabedian and Councillor Charest 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.**

*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 MARCH 22, 2017**

**IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON MARCH 23, 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