



PEABODY CITY COUNCIL

Special Permit #14

Map 35 Lot 28

August 30, 2013

Building Inspector
City Hall
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, August 22, 2013, the following Special Permit was denied:

P566-13 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that the application from Total Outdoor Corp., 100 Cummings Center, Beverly, MA, for a Special Permit to construct a billboard sign located as shown on a plan dated April 23, 2013 accompanying this permit application and made in accordance with a Superior Court Remand Order dated June 26, 2013 for premises located at 532 Lowell Street, Peabody, MA, as filed in accordance with Sections 4.1, 11.6 and 15.7 of the Peabody Zoning Ordinance be approved.

(Failed 10-1; Councillor Gamache voting in favor)

Reasons for Denial as stated by the City Council as follows:

Section 6.1.2 of the Zoning Ordinance In that it is the judgment of the City Council that the use for which the permit is sought will not satisfy a desirable local need, that its design and appearance will be injurious to the established or future character of the vicinity and the neighborhood and that it shall not be in harmony with the general purpose and intent of this ordinance.

Section 6.1.4 of the Zoning Ordinance: This special permit does not satisfactorily meet the provisions of the following sections:

- C. Possible noise, glare and odor effects of the use on adjoining properties and properties generally in the district;
- E. Screening and buffering with reference to type, dimensions and character;
- H. Projection of adjoining premises and the surrounding neighborhood from the proposed use of the site;

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

978-538-5900
FAX (978) 538-5985



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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 SEPTEMBER 19, 2013.

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,

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