



# PEABODY CITY COUNCIL

Special Permit #22

**Map 115 Lot 126A**

September 4, 2014

Building Inspector  
City Hall  
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, August 28, 2014, the following Special Permit was denied:

P591-14 COUNCILLOR OSBORNE – BE IT ORDERED by the City Council of the City of Peabody **NOT TO APPROVE** the application from Bell Atlantic Mobile of Massachusetts Corp., Ltd. d/b/a Verizon Wireless, c/o 900 Elm Street, Manchester, NH, for a Special Permit to allow a wireless communication facility at 161 Lynn Street, Peabody, MA, as filed in accordance with Sections 6.1, 7.9.3, and 15.7 of the Peabody Zoning Ordinance and be denied based on the following reasons:

1. The owner of the property at 161 Lynn Street, Peabody, MA, is not in a position to lease this lot under our Zoning Ordinance because he is a preexisting nonconforming use, and I believe that the intensity of the proposed use would add to the intensity of the current use, detract from the character of the neighborhood and have an adverse effect on adjacent properties, all which is in violation of our Zoning Ordinance for nonconforming uses;
2. That the use does not satisfy a desirable local need;
3. That the appearance would be injurious to the established or future character of the vicinity and the neighborhood;
4. The petitioner has not presented evidence to the City Council indicating that they have exhausted their alternatives beyond their preferred location for the cell tower at 161 Lynn Street, Peabody, MA.

(Carried 10-0; Councillor Gould 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.*

## 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



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## 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

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**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 24, 2014**

PEABODY CITY COUNCIL  
COUNCILLOR ROBERT E. DRISCOLL  
CITY COUNCIL PRESIDENT

Timothy E. Spanos  
City Clerk

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