

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JANUARY 9, 2020

PRESENT COUNCILLORS: WELTON, SASLAW, GOULD, CHAREST, MANNING-MARTIN, TURCO, O'NEILL, MELVILLE, MCGINN, AND ROSSIGNOLL

ABSENT COUNCILLORS: MOUTSOULAS

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President Thomas J. Rossignoll.

Salute to the American Flag.

P01-20 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the special meeting of December 10, 2019, and the regular meeting of December 12, 2019. (Unanimous)

COUNCILLOR ROSSIGNOLL – OPEN MEETING LAW STATEMENT: THIS MEETING IS BEING TELEVISED LIVE ON CABLE CHANNEL 9 AND BEING TAPED BY PEABODY ACCESS TV, AND ALSO BEING RECORDED BY OUR CITY COUNCIL STENOGRAPHER.

(City Clerk, Timothy E. Spanos, administered the oath of office to City Clerk-elect Allyson M. Danforth)

(Mr. Robert Labossiere, Director of Public Services Department, will appear to speak at the Thursday, January 23, 2020, regular meeting regarding preparations for the snow season and the status of the sidewalk plows.)

HEARINGS

A public hearing was duly held on the application filed by Nutre, LLC, 3 Bourbon Street, Peabody, MA. Atty. John Keilty and Mr. Angelo Perrina appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P02-20 COUNCILLOR GOULD – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Nutre, LLC, 3 Bourbon Street, Peabody, MA, for a Special Permit seeking to modify Special Permit 4-2019, requesting to modify the parking plan approved by said Special Permit at 23 Upton Street, Peabody, MA, as filed in accordance with Sections 4.2.6, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons and subject to the following condition:

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.

CONDITION:

1. Per the Public Services Department, the applicant's proposed driveway entrance is too close to the existing utility pole on Upton Street. The entrance shall be relocated a minimum of 5-ft from both the existing utility pole and fire hydrant. In addition, the applicant shall be responsible for reconstructing the sidewalk along the existing parking lot.

(Carried 10-0; Councillor Moutsoulas absent)

P03-20 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, late communication Item 1 from His Honor the Mayor regarding Appointment of Diane R. Full, 12 Sherman Street, Peabody, MA, as City Treasurer. (Unanimous)

(MS. BETH O'DONNELL, HUMAN RESOURCES DIRECTOR, AND MS. DIANE FULL APPEARED TO SPEAK REGARDING THE LATE COMMUNICATION.)

P04-20 COUNCILLOR MCGINN – MOVE TO approve the appointment of Dianne R. Full, 12 Sherman Street, Peabody, MA, as City Treasurer for a one-year term to expire December 31, 2020. (Carried 10-0; Councillor Moutsoulas absent)

P05-20 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, late communication Item 2 from Tanveer Moundi, Regulatory Affairs Coordinator, ecoATM, LLC, 10121 Barnes Canyon Road, San Diego, CA, regarding Request to withdraw without prejudice. (Unanimous)

A public hearing was duly held on the application filed by Capone's Restaurant, 147 Summit Street (4), Peabody, MA. Mr. Christopher Pescione appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P06-20 COUNCILLOR WELTON – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Capone's Restaurant, 147 Summit Street (4), Peabody, MA, for a Special Permit seeking to replace an electronic message board sign, which will be affixed to an existing freestanding sign at said 147 Summit Street, Peabody, MA, as filed in accordance with Sections 6.1, 11.4.8, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons:

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. (Carried 9-0; Councillor Moutsoulas and Councillor Melville absent)

A public hearing was duly held on the application filed by McDonald's Corporation, 133 Main Street, Peabody, MA. Ms. Tracey Diehl appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P07-20 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 3 from Christopher Morfis, City Collector, regarding City Council 9 Jan 2020 agenda item 4D. (Unanimous)

P08-20 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application filed by McDonald's Corporation, 133 Main Street, Peabody, MA, for a Special Permit seeking to replace the existing two menu board signs with three digital menu board signs at said 133 Main Street, Peabody, MA, as filed in accordance with Sections 6.1, 11.4.8, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons:

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. (Carried 9-0; Councillor Moutsoulas and Councillor Melville absent)

REPORTS OF COMMITTEE

None.

MOTIONS, ORDERS AND RESOLUTIONS

P09-20 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-B communication from Paul Stedman, District Highway Director, regarding Chelsea to Danvers – Fabrication & Installation of Overhead and Ground Mounted Guide and Traffic Signs along a Section of Route One. (Unanimous)

P10-20 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-E communication from Susan Powers, 11 Little Lane, Apt. 201, regarding Sunshine Taxi and refer to Sunshine Taxi. (Unanimous)

P11-20 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 9-B Innholder License (Transfer) Springhill Suites Boston Peabody, 43 Newbury Street, and set up a public hearing. (Unanimous)

P12-20 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, late communication Item 4 from Councillor Joel Saslaw regarding Social media and the transition from engagement to interaction. (Unanimous)

P13-20 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, Item 8-C communication from James Grieco, 160 Lynn Street, regarding Special Permit application and set up a public hearing. (Unanimous)

P14-20 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-F communication from North American Self Storage Group, LLC, 137 Summit Street, regarding Special Permit application and set up a public hearing. (Unanimous)

P15-20 COUNCILLOR CHAREST – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Chapter 6 entitled “Animals” of the Code of the City of Peabody be adopted as advertised and read. (Carried 9-0; Councillor Moutsoulas and Councillor Melville absent)

P16-20 COUNCILLOR CHAREST – MOVE TO request that JRM appear before the Public Services Committee to provide an explanation of why their trucks are picking up trash prior to 7:00 a.m. (Unanimous)

P17-20 COUNCILLOR CHAREST – MOVE TO request that Captain Richards provide a recommendation for the intersection of Hog Hill Road and Lowell Street where it's very dangerous for vehicles turning left on to Lowell Street. I would further request that a crosswalk be painted and consideration be given to a solar-powered crossing light at that intersection for people to cross over to the bike path. (Unanimous)

P18-20 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, late communication Item 5 from Atty. Athan Vontzalides on behalf of Todisco Properties, LLC, regarding Request to continue Special Permit hearing to Thursday, February 27, 2020. (Unanimous)

P19-20 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 8-D communication from Todisco Properties, LLC, Pasquale Todisco, Manager, 40 and 42 Endicott Street, regarding Special Permit application and set up a public hearing. (Unanimous)

P20-20 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Rob Lowell, Branch Executive Director, Torigian Family YMCA, regarding Thank you for donation. (Unanimous)

P21-20 COUNCILLOR MANNING-MARTIN – MOVE TO request that the City Clerk provide a list of all outstanding Executive Session Minutes complete with the dates of the meetings, the subject matter of the meetings, and the reason they are still outstanding. (Unanimous)

{10-A 13 Lincoln Road}

P22-20 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-81 entitled “Parking Prohibited – Handicap Zone” of the Code of the City of Peabody be adopted as advertised and read. (Carried 9-0; Councillor Moutsoulas and Councillor Melville absent)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

None.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Previously received.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P23-20 COUNCILLOR MCGINN – MOVE TO receive and approve the following Taxi Driver License, subject to all papers being in order:

Jon Kimball – License 48
Derrick Lane – License 49
Robert Ruest – License 50
Robert Flaherty – License 51
Alec Olsen – License 52

(Unanimous)

P24-20 COUNCILLOR MCGINN – MOVE TO receive and approve the following Class 1 Motor Vehicle License (2020 Renewal), subject to all papers being in order:

Flagship Motorcars Commercial Vans, 202 Newbury Street
Tesla Motors MA, Inc., 210 Andover Street

(Unanimous)

P25-20 COUNCILLOR MCGINN – MOVE TO receive and approve the following Class 2 Motor Vehicle License (2020 Renewal), subject to all papers being in order:

Auto Transporters of New England, 55R Lynnfield Street
D & R Auto, 100 Birney Street, #6
JRM Auto Sales, 80 Newbury Street
R & A Automotive, Inc., 26 Lake Street
Sacco's Auto Repair, 119-121 Lynn Street
Tri City Services, 55R Walnut Street

(Unanimous)

P26-20 COUNCILLOR MCGGIN – MOVE TO receive and approve Class 3 Motor Vehicle License (2020 Renewal) Peterson's Automotive, Inc., 114 Newbury Street, subject to all papers being in order.

(Unanimous)

P27-20 COUNCILLOR MCGINN – MOVE TO receive and approve the following Entertainment License (2020 Renewal), subject to all papers being in order:

Alto Forno, 41 Cross Street
Buddha's Tavern, 144-146 Washington Street
D & R Road House Pub, 55 Pulaski Street
Gallo Nero Pizzeria, 89 Main Street
Kelley Square Pub 2, 135 Washington Street
Outback Steak House, 300 Andover Street
Pellana Restaurant, 9R Sylvan Street
Portuguese American War Veterans, Post 1, 103 Tremont Street
Red's Kitchen & Tavern, 131 Newbury Street
Stonewood Tavern, 139 Lynnfield Street
Sylvan Street Grille, 12 Sylvan Street
Zwu's Asian Cuisine, 5 Central Street

(Unanimous)

P28-20 COUNCILLOR MCGINN – MOVE to receive and approve the following General License (2020 Renewal), subject to all papers being in order:

- Limousine-Michael's Limousine, 161 Lynn Street
- Limousine-Road House Limousine, 55 Pulaski Street
- Limousine-Tri City Services, 55R Walnut Street
- Taxicab-Americab Taxi, 92 Jackson Street, Salem
- Taxicab-Salem Taxi Company, 32 Rainbow Terrace, Salem
- Taxicab-Tri City Services, 55R Walnut Street
- Taxicab-Witch City Taxi, 14 Mason Street, Salem

(Unanimous)

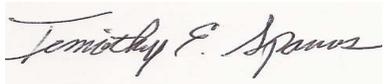
P29-20 COUNCILLOR MCGINN – MOVE TO receive and approve Taxicab License (Transfer) Tri City, 55R Walnut Street, subject to all papers being in order. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:50 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JANUARY 15, 2020
RETURNED BY HIS HONOR THE MAYOR, JANUARY 15, 2020

ATTEST 
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

- Rob Lowell, Branch Executive Director, Torigian Family YMCA, regarding Thank you for donation
- Paul Stedman, District Highway Director, re: Chelsea to Danvers – Fabrication & Installation of Overhead and Ground Mounted Guide and Traffic Signs along a Section of Route One
- James Grieco, 160 Lynn Street, re: Special Permit application
- Todisco Properties, LLC, Pasquale Todisco, Manager, 40 and 42 Endicott Street, re: Special Permit application
- Susan Powers, 11 Littles Lane, Apt. 201, re: Sunshine Taxi
- North American Self Storage Group, LLC, 137 Summit Street, re: Special Permit application

TAXI DRIVER LICENSE:

- Jon Kimball – License 48
- Derrick Lane – License 49
- Robert Ruest – License 50
- Robert Flaherty – License 51
- Alec Olsen – License 52

INNHOLDER LICENSE: (Transfer)

Springhill Suites Boston Peabody, 43 Newbury Street

CLASS 1 MOTOR VEHICLE LICENSE: (2020 Renewal)

Flagship Motorcars Commercial Vans, 202 Newbury Street
Tesla Motors MA, Inc., 210 Andover Street

CLASS 2 MOTOR VEHICLE LICENSE: (2020 Renewal)

- Auto Transporters of New England, 55R Lynnfield Street
- D & R Auto, 100 Birney Street, #6
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- Sacco's Auto Repair, 119-121 Lynn Street
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CLASS 3 MOTOR VEHICLE LICENSE: (2020 Renewal)

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ENTERTAINMENT LICENSE: (2020 Renewal)

Alto Forno, 41 Cross Street

Buddha's Tavern, 144-146 Washington Street

D & R Road House Pub, 55 Pulaski Street

Gallo Nero Pizzeria, 89 Main Street

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Red's Kitchen & Tavern, 131 Newbury Street

Stonewood Tavern, 139 Lynnfield Street

Sylvan Street Grille, 12 Sylvan Street

Zwu's Asian Cuisine, 5 Central Street

GENERAL LICENSES: (2020 Renewal)

Limousine-Michael's Limousine, 161 Lynn Street

Limousine-Road House Limousine, 55 Pulaski Street

Limousine-Tri City Services, 55R Walnut Street

Taxicab-American Taxi, 92 Jackson Street, Salem

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TAXICAB LICENSE: (Transfer)

Tri City, 55R Walnut Street