

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**MARCH 12, 2020**

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

ABSENT COUNCILLORS: GOULD

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.

P146-20 COUNCILLOR TURCO – MOVE TO receive and approve the minutes from the regular meeting of February 13, 2020. (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.

**HEARINGS**

A public hearing was duly held on the application filed by Todisco Properties, LLC, 40 & 42 Endicott Street, Peabody, MA. Atty. Athan Vontzalides appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P147-20 COUNCILLOR MOUTSOULAS – MOVE TO recess the public hearing on the application from Todisco Properties, LLC, 40 & 42 Endicott Street, Peabody, MA, until Thursday, March 26, 2020. (Carried 9-1; Councillor Manning-Martin opposed; Councillor Gould absent)

A public hearing was duly held on the application filed by GameStop, Inc., #7832, 210 Andover Street, Peabody, MA. No one appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P148-20 COUNCILLOR CHAREST – MOVE TO recess the public hearing on the application from GameStop, Inc., #7832, 210 Andover Street, until Thursday, March 26, 2020. (Carried 9-0; Councillor Gould and Councillor Manning-Martin absent)

(COUNCIL PRESIDENT ROSSIGNOLL WELCOMED STUDENT GOVERNMENT DAY REPRESENTATIVE RACHEL TURNER (WARD 1 COUNCILLOR).)

A public hearing was duly held on the application filed by Break Lites Motorsports, 131 Newbury Street, Peabody, MA. Mr. Mark Tempesta appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P149-20 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Break Lites Motorsports, 131 Newbury Street, Peabody, MA, for a Special Permit to allow for the sale of secondhand motorcycles at 131 Newbury Street, Peabody, MA, as filed in accordance with Sections 4.2.5, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons 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:**

1. A maximum of fifteen (15) motorcycles for sale at any one time; and
  2. There will be no automobile sales allowed;
- (Carried 9-0; Councillor Moutsoulas and Councillor Gould absent)

A public hearing was duly held on the application filed by Break Lites Motorsports, 131 Newbury Street, Peabody, MA. Mr. Mark Tempesta appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P150-20 COUNCILLOR SASLAW – MOVE TO approve the Class 2 Motor Vehicle License application of Break Lites Motorsports, 131 Newbury Street, Peabody, MA, subject to all papers being in order.  
(Carried 9-0; Councillor Moutsoulas and Councillor Gould absent)

A public hearing was duly held on the application filed by LCI Management c/o Eric Loiacana, 18 Sargent Street, Gloucester, MA. Atty. John Keilty and Mr. Eric Loiacana appeared to speak on behalf of the application. No one appeared to speak in favor. Ms. Hailey Ventura Wilson, 3 Reynolds Road, Peabody, MA, appeared to speak in opposition.

P151-20 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, late communication Item 1 from Hailey Ventura Wilson & Sean Wilson, 3 Reynolds Road, regarding Concerns for Constructions and Business (Storage Facility) going into Border Books Location, 151 Andover Street, Route 114, Peabody, MA. (Unanimous)

P152-20 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application filed by LCI Management c/o Eric Loiacana, 18 Sargent Street, Gloucester, MA, for a Special Permit seeking to amend condition #5 of Special Permit 14-1993 by changing the use of the property from auto storage, as presently used, to allow for self-service storage, which is an allowed by-right use, at 151 Andover Street, Peabody, MA, as filed in accordance with Sections 1.5, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reasons 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:**

1. No egress/driveway or vehicle access from or on to Loris Road;
2. Outdoor lighting to be turned off at 11:00 p.m. to 8:00 a.m. with the exception of motion detector security lighting;
3. No outdoor paging system;
4. No outdoor music;
5. Provide and maintain landscape shielding for residential abutters;
6. Maintain and clear culvert of debris in and along property;
7. No deliveries from 5:00 p.m. to 8:00 a.m.;
8. No dumpster or trash pickup from 9:00 p.m. to 9:00 a.m.;
9. Construction hours of operation are Monday through Friday from 7:00 a.m. to 6:00 p.m.; Saturday from 9:00 a.m. to 6:00 p.m.; and Sundays, Federal and State holiday work shall be requested in writing and shall be approved at the discretion of the Building Commissioner;
10. That a fence and other landscaping, visual, and sound buffers be established so as to mitigate the impact on abutters and that the applicant be responsible for all associated maintenance of said buffers;
11. That the applicant develops a photometric plan, which is acceptable to the abutters;
12. That signs be installed to establish that no idling cars be allowed on the property and that music is not left playing in vehicles;

13. That per the Health Department communication dated February 20, 2020, the following will apply:
1. The applicant must undertake aggressive rodent control measures prior to any demolition, development or site preparation work. The applicant must work with a licensed pest control firm to develop an Integrated Pest Management plan, including surveillance and baiting of the site a minimum of 14 days prior to the commencement of any work, and any additional measures needed to control pests for the duration of the project. The IMP plan should also include:
    - Names and certifications of licensed pest control applicators
    - Initial survey documenting existence of rodent activity, burrows, and sanitation conditions that could support rodent activity
    - Details about rodent control measures to be implemented, including locations of traps and bait stations, types and amounts of pesticides used, schedule for follow-up monitoring, cleanup of bait stations and rodent carcasses, and management of sources of food and harborage on the site
    - Procedures for responding to rodent complaints, including name and contact information for individual to respond to neighborhood complaints
    - Finished landscaping plan designed to minimize opportunities for rodent harborage
  2. The applicant must develop a plan that addresses management of hazardous materials and building materials such as asbestos and lead and file with appropriate state and local regulatory agencies prior to commencement of demolition activities, if any.
  3. The applicant must develop a plan for prevention and mitigation of nuisance impacts such as dust, odor, and noise for the duration of the construction.
  4. If fill is to be brought on site, the applicant must comply with all applicable state and local requirements.
  5. The final surface must be graded so as not to create any stagnant water and/or runoff which could create objectionable conditions.
  6. All wastes generated by development activities must be appropriately stored and removed in a timely manner. Dumpsters must have appropriate permits and be located at appropriate distances so as not to interfere with the safety, convenience or health of abutters or residents.
  7. Consideration must be given to prevent the occurrence of nuisance conditions such as excessive noise from HVAC and refrigeration systems or light nuisances associated with on-site lighting fixtures.
  8. Trash management plan must ensure the prevention of nuisance conditions. If trash storage is to be located indoors, applicant must ensure that trash storage area is constructed and operated so as to be easily cleanable and avoid the generation of odors or pest issues for building occupants. If outdoor trash storage is proposed, ensure that dumpsters are set back from adjacent properties at a sufficient distance to avoid the creation of nuisance odors or pest problems for abutters, properly screened, and located on a cleanable surface.
  9. Applicant must implement an ongoing Integrated Pest Management plan for operation of self-storage facility.
14. Snow storage shall be in accordance with the revised site plan dated March 12, 2020;
15. There will be no outdoor storage on the property of any sort;
16. Condition #5 from Special Permit 14-1993, which reads in part "Any change of retail bookstore use will require public notice, public hearing, and approval by the Peabody City Council (or permit granting authority, as may from time to time be established by the Zoning Ordinance of the City of Peabody) for change of use," shall now read as follows: "Any change of self-storage facility use will require public notice, public hearing, and approval by the Peabody City Council (or permit granting authority, as may from time to time be established by the Zoning Ordinance of the City of Peabody) for change of use;"
17. No dumpster shall be situated on the site; and
18. Per the Public Services Department, the Department of Public Services will review the project when the applicant submits to the Construction Review Committee.
- (Carried 10-0; Councillor Gould absent)

A public hearing was duly held on Zoning Amendment Section 2 Definitions – Commissary Kitchen; Section 4 Schedule of Use Regulations. Curt Bellavance, Director of Community Development, appeared to speak on behalf of the City. No one appeared to speak in favor. No one appeared to speak in opposition.

P152A-20 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 2 from Planning Board regarding Commissary Kitchen; Planning Board Recommendation. (Unanimous)

P153-20 COUNCILLOR TURCO – BE IT ORDAINED by the City Council of the City of Peabody that the following Zoning Ordinance be adopted as amended and read:

That the Zoning Ordinance of the City of Peabody entitled Zoning Ordinance - 2011, as amended, is hereby further amended as follows:

**SECTION ONE:** By adding to Section 2: Definitions to the Zoning Ordinance:

**Commissary Kitchen.** A room or group of rooms used primarily for preparing, cooking, and producing food for off premise consumption such as catering, not associated with a restaurant or fast-food establishment, and where cooking or food preparation activities use commercial food processing equipment, such as convection ovens, grease filters, kitchen hoods, and similar types of equipment.

**SECTION TWO:** To amend Section 4: Table 4.2 Schedule of Use Regulations to allow Commissary Kitchen Use under 1,000 square feet by-right in the following districts: GB, GBD, BR, BR1, IL, IP, DDD, and by Special Permit in BC, BN, and BN-2. 1,000 square feet or larger by Special Permit in GB, GBD, BR, BC, IL, IP, and DDD.

**SECTION THREE:** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION FOUR:** This Ordinance shall take effect as provided by law.  
(Carried 10-0; Councillor Gould absent)

### **REPORTS OF COMMITTEE**

#### **Ad Hoc Committee on Drug Education & Awareness March 12, 2020**

P154-20 COUNCILLOR MANNING-MARTIN – Reporting for the Ad Hoc Committee on Drug Education & Awareness – The Drug Education & Awareness Committee met this evening with myself as chair joined by members: Councillor O'Neill and Councillor Welton. Sharon Cameron, Director of Health, joined us this evening and she gave an overview of the new initiative that Healthy Peabody Collaborative had brought forward regarding the Williams James College INTERFACE Referral Service that the City has had up and running for about a month and it's been very successful. Its effort is to connect those in need of mental health services, substance abuse referrals and services and alike to a provider and to assist them to getting beyond the barriers to get that help. It provides hands-on help with clinicians and also assistance navigating the healthcare system to provide service to individuals. In order for them to continue to use that program, the Healthy Peabody Collaborative is coming before the council in need of additional funds. The subcommittee unanimously approved to fund \$1,500 out of the Drug Education & Awareness fund of the Peabody City Council for this purpose. (Report received)

P155-20 COUNCILLOR MANNING-MARTIN – Reporting for the Ad Hoc Committee on Drug Education & Awareness – MOVE TO donate \$1,500.00 from the Drug Education & Awareness Committee account to the Healthy Peabody Collaborative.  
(Carried 10-0; Councillor Gould absent)

**Finance Committee**  
**March 12, 2020**

P156-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee met earlier this evening at 7:00 p.m. and present for the Committee were Councillors: Gould, O’Neill, Manning-Martin, Turco, and myself as Chair. Also present this evening were Councillors: Welton, Moutsoulas, Charest, Melville and Rossignoll. There were three items on the agenda. The first item was a Statement of Interest for the Center School. Presenting that item to the City Council was School Committee Vice Chair, Beverley Ann Griffin Dunne. She explained what the needs were at the Center School. There were a number of questions asked and it was pointed out that the City Council has acted favorably on this same Statement of Interest in the past. With that, the following motion was made by Councillor O’Neill. (Report received)

P157-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – BE IT RESOLVED having convened in an open meeting on March 12, 2020, prior to the SOI submission closing date, the Peabody City Council, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest (SOI) Form dated March 26, 2020, for the **Center School** located at 18 Irving Street, Peabody, Massachusetts, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future.

The MSBA Priority selected is Priority #7, “Replacement and Renovation of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.”

The specific objective of this Statement of Interest is to partner with the MSBA in a feasibility study for the replacement of the **Center School**. The educational deficits of the **Center School** are articulated in the **Center School** SOI and include the need for gym space, cafeteria space, food service servery and kitchen space, much needed upgrades to classrooms, meeting rooms, electrical, plumbing, and HVAC systems.

And, the Peabody City Council hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City to filing an application for funding with the Massachusetts School Building Authority.  
 (Carried 10-0; Councillor Gould absent)

P158-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – The second item on the agenda was a Statement of Interest for the Peabody Veterans Memorial High School. Again for this item, it was presented to the Finance Committee by School Committee Vice Chair, Beverley Anne Griffin Dunne, who again explained the reasons why the School Committee advanced this Statement of Interest for consideration. She addressed the questions of the Committee and again pointed out that this is a Statement of Interest that the City Council had acted favorably on in the past. A co-motion was made by Councillor O’Neill and Councillor Gould. (Report received)

P159-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – BE IT RESOLVED having convened in an open meeting on March 12, 2020, prior to the SOI submission closing date, the Peabody City Council, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest (SOI) Form dated March 26, 2020, for the **Peabody Veterans Memorial High School** located at 485 Lowell Street, Peabody, Massachusetts, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future.

The MSBA Priority selected is Priority #7, “Replacement and Renovation of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.”

The specific objective of this Statement of Interest is to partner with the MSBA in a feasibility study for the replacement of the **Peabody Veterans Memorial High School**. The educational deficits of the **Peabody Veterans Memorial High School** are articulated in the **Peabody Veterans Memorial High School** SOI and include the need for much needed upgrades to classrooms, science areas, industrial arts classrooms, meeting rooms, electrical, plumbing, and HVAC systems, energy efficiencies, building envelope, disability accessibility, and security considerations.

And, the Peabody City Council hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City to filing an application for funding with the Massachusetts School Building Authority.

(Carried 10-0; Councillor Gould absent)

P160-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – The third item on the agenda was a request submitted by His Honor the Mayor requesting a transfer of Cable Fund Expense. Representing that request on behalf of the Mayor was Michael Gingras, Director of Finance. Councillor Turco made the following motion. (Report received)

P161-20 COUNCILLOR MCGINN – Reporting for the Finance Committee - MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of February 11, 2020:

**FROM:**

**TO:**

Receipts Reserved Cable Fund

Cable Fund Expense

270-0000-33017                      \$228,173.96

270-0000-53007                      \$228,173.96

(Carried 10-0; Councillor Gould absent)

**MOTIONS, ORDERS AND RESOLUTIONS**

P162-20 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-D communication from Albert Talarico, Building Commissioner, re: Special Permit Transfer 25-2012; Outfront Media, LLC, 229 Newbury Street, subject to all papers being in order. (Unanimous)

P163-20 COUNCILLOR CHAREST – MOVE TO request that the Building Commissioner contact the general contractor working at the NorthShore Mall and remind them of the construction hours of operation. There are complaints that they are starting earlier than is allowed. (Unanimous)

P164-20 COUNCILLOR TURCO (Co-motion with Councillor Welton) – MOVE TO request that the Public Services Department install signage warning drivers of restricted truck traffic for vehicles with a carrying capacity over two and one-half tons on Bartholomew Street and to install said signs on Lynnfield Street easterly and westerly and on Lynn Street easterly and westerly as vehicles are approaching Bartholomew Street. (Unanimous)

P165-20 COUNCILLOR TURCO – MOVE TO receive and approve Item 9-A Taxicab License - Scott Rich – License 58, subject to all papers being in order. (Unanimous)

P166-20 COUNCILLOR TURCO – MOVE TO receive and approve the following Item 9-B Limousine License (Transfer), subject to all papers being in order:

Sir Charles Limousine – License 208

Sir Charles Limousine – License 209

(Unanimous)

P167-20 COUNCILLOR TURCO – MOVE TO receive and approve Item 9-C Utility Contractor's License - Hydra Tech, Inc., 170 Prat Junction, Sterling, MA, subject to all papers being in order. (Unanimous)

P168-20 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 2-13 entitled “Salary of the Mayor” of the Code of the City of Peabody be adopted as advertised and read. (Carried 10-0; Councillor Gould absent)

P169-20 COUNCILLOR O’NEILL (Co-motion with Councillor Rossignoll) – MOVE TO receive, under suspension of the rules, Item 8-A communication from Robert Labossiere, Director of Public Services, regarding Council Motion P108-20. (Unanimous)

P170-20 COUNCILLOR O’NEILL – MOVE TO receive, under suspension of the rules, Item 8-E communication from MEC Peabody Associates Limited Partnership, 635-637 Lowell Street, regarding Special Permit application and set up a public hearing. (Unanimous)

P171-20 COUNCILLOR O’NEILL – MOVE TO receive, under suspension of the rules, Item 8-F communication from Aggregate Industries, 1715 Broadway, Saugus, regarding Aggregate Industries 2019 Annual Report and refer to the Ad Hoc Committee on Aggregate Industries. (Unanimous)

### **COMMUNICATIONS FROM HIS HONOR THE MAYOR**

P172-20 COUNCILLOR MCGINN – MOVE TO receive a communication from His Honor the Mayor regarding Various Appointments. (Unanimous)

P173-20 COUNCILLOR MCGINN – MOVE TO approve the following appointments, as submitted by His Honor the Mayor under date of March 6, 2020:

| <b><u>NAME:</u></b>   | <b><u>POSITION:</u></b> | <b><u>TERM TO EXPIRE:</u></b> |
|---|-------------------------|-------------------------------|
| Andrew Metropolis<br>5 Dane Street<br>Peabody, MA 01960   | Historical Commission   | 12/31/2022<br>(3-Year Term)   |
| Frank Hardy<br>1 Danforth Street<br>Peabody, MA 01960   | Historical Commission   | 12/31/2021<br>(2-Year Term)   |
| Thomas J. Durkin, III<br>19 Surrey Lane<br>Peabody, MA 01960<br>(Carried 10-0; Councillor Gould absent) | Board of Health         | 2/1/2023<br>(3-Year Term)     |

P174-20 COUNCILLOR MCGINN – MOVE TO receive a communication from His Honor the Mayor regarding Bond Order – Transmission Main, Pump Station, Paving; \$4,000,000 and refer to the Finance Committee. (Unanimous)

P175-20 COUNCILLOR MCGINN – MOVE TO receive a communication from His Honor the Mayor regarding Transfer of Funds – Public Safety Radio System; \$87,000 and refer to the Finance Committee. (Unanimous)

### **COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P176-20 COUNCILLOR MCGINN – MOVE TO receive a communication from Sharon Cameron, Director of Health, regarding Council Motion P16-20. (Unanimous)

P177-20 COUNCILLOR MCGINN – MOVE TO receive a communication from Community Development and Planning Dept., regarding Revised memo – 40 & 42 Endicott Street and refer to the public hearing. (Unanimous)

P178-20 COUNCILLOR MCGINN – MOVE TO receive a communication from Community Development and Planning Dept., regarding Special Permit Application – 151 Andover Street and refer to the public hearing. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

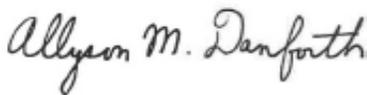
Previously received.

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 10:10 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 23, 2020  
RETURNED BY HIS HONOR THE MAYOR, MARCH 23, 2020



ATTEST: \_\_\_\_\_  
(Allyson M. Danforth, City Clerk)

**COMMUNICATIONS:**

- His Honor the Mayor re: Various Appointments
- His Honor the Mayor re: Bond Order – Transmission Main, Pump Station, Paving; \$4,000,000
- His Honor the Mayor re: Transfer of Funds – Public Safety Radio System; \$87,000
- Robert Labossiere, Director of Public Services, re: Council Motion P108-20
- Sharon Cameron, Director of Health, re: Council Motion P16-20
- Community Development and Planning Dept., re: Revised memo – 40 & 42 Endicott Street
- Albert Talarico, Building Commissioner, re: Special Permit Transfer 25-2012; Outfront Media, LLC, 229 Newbury Street
- MEC Peabody Associates Limited Partnership, 635-637 Lowell Street, re: Special Permit application
- Aggregate Industries, 1715 Broadway, Saugus, re: Aggregate Industries 2019 Annual Report
- Community Development and Planning Dept., re: Special Permit Application – 151 Andover Street

**TAXICAB LICENSE:**

Scott Rich – License 58

**LIMOUSINE LICENSE:** (Transfer)

Sir Charles Limousine – License 208

Sir Charles Limousine – License 209

**UTILITY CONTRACTOR'S LICENSE:**

Hydra Tech, Inc., 170 Prat Junction, Sterling, MA