

REGULAR MEETING OF THE PEABODY CITY COUNCIL
APRIL 25, 2019

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

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 Jon G. Turco.

Salute to the American Flag.

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

P281-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Various Appointments under date of April 4, 2019. (Unanimous)

(MAYOR BETTENCOURT AND MS. KIERSTIN MERLINO APPEARED TO SPEAK REGARDING ITEM 7-A)

P282-19 COUNCILLOR MCGINN – MOVE TO approve the appointment of Kierstin Merlino, 10 Cindy Drive, Nashua, NH, as Park & Recreation Program Supervisor for a one-year term to expire 12/31/2019. (Carried 10-0; Councillor Gould absent)

P283-19 COUNCILLOR MCGINN – MOVE TO approve the following appointments under date of April 4, 2019, regarding the following various reappointments:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
Julie Picardi 22 Benevento Circle Peabody, MA 01960 (Carried 10-0; Councillor Gould absent)	Board of Appeals	12/31/2020 (3-Year Term) (Unexpired term of Kevin McHugh)
Edward Colbert 15 Forenza Road Peabody, MA 01960 (Carried 10-0; Councillor Gould absent)	Board of Appeals (Alternate Member)	12/31/2020 (2-Year Term) (Unexpired term of Julie Picardi)

HEARINGS

A public hearing was duly held on Zoning Ordinance Amendment – Section 6.16 – Residential Overlay District. Mr. Curt Bellavance, Director of Community Development Department, appeared to speak on behalf of the City. Ms. Audrey Gordon, 17 Pine Street, Peabody, MA, and Mr. Rich Reed, 17 Pine Street, Peabody, MA, appeared to speak in favor. Mr. Gene Plastino, 25 Pine Street, Peabody, MA; Ms. Beth Plastino, 25 Pine Street, Peabody, MA; Mr. Richard Medina, 1-B Laurel Street, Peabody, MA; and Mr. Russell Donovan, 12 Quail Road, Peabody, MA, appeared to speak in opposition.

P284-19 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, late communication Item 1 from Andrew Levin, City Planner, Community Development Dept., regarding Proposed Zoning Amendment – Section 6.16 – Residential Overlay District; Planning Board recommendation. (Unanimous)

P285-19 COUNCILLOR MCGINN – MOVE TO add to Section 6.16.2 the following sentence under L: “To allow for residential development on certain parcels where such residential development was previously not allowed prior to the adoption of this Section 6.16 as an incentive for the creation of a higher percentage of affordable housing units than set forth in Section 6.11.”
(Carried 10-0; Councillor Gould absent)

P286-19 COUNCILLOR MCGINN – BE IT ORDAINED by the City Council of the City of Peabody as follows:

That the Zoning Ordinance of the City of Peabody entitled Zoning Ordinance - 2011, as amended through March 14, 2019, is hereby further amended as follows:

SECTION ONE: By amending Section 6.16 entitled Residential Overlay District as follows:

- 6.16.0 Residential Overlay District
- 6.16.1 Establishment
- 6.16.2 Purpose of the Residential Overlay
- 6.16.3 District Regulations
- 6.16.4 Site and Design Criteria
 - 6.16.4.1 Purpose
 - 6.16.4.2 Applicability
 - 6.16.4.3 Framework for Review Process
 - 6.16.4.4 Access
 - 6.16.4.5 Parking
 - 6.16.4.6 Pedestrian and Bicycle Access
 - 6.16.4.7 Landscaping and Lighting
 - 6.16.4.8 Utilities
 - 6.16.4.9 Capital Facility Requirements
 - 6.16.4.10 Noise

SECTION TWO: That the Zoning Map of the City of Peabody entitled, City of Peabody Zoning Map Adopted April 28, 2011, as amended, is hereby further amended as follows:

To include within the Residential Overlay District the following parcels:

- Assessors Map 039, Parcel 005 and numbered 68 Prospect Street (MRI Building)
- Assessors Map 039, Parcel 047 and numbered 39 Cross Street (Office Building)
- Assessors Map 039, Parcel 048C and numbered 43 Cross Street (Tailor Shop)
- Assessors Map 039, Parcel 048E and numbered 73 Prospect Street (Residential dwelling)
- Assessors Map 039, Parcel 048H and numbered 37 Cross Street (Vacant Land)
- Assessors Map 039, Parcel 600 and numbered 41 Cross Street (Restaurant)
- Assessors Map 039, Parcel 601 and numbered 41 Cross Street (Hotel)
- Assessors Map 035, Parcel 038A and numbered 190 Newbury Street [R] (Vacant Land)
- Assessors Map 047, Parcel 018 and numbered 176 Newbury Street (Macs Trailer Park)
- Assessors Map 051, Parcel 001 and numbered 210 Andover Street (JC Penney)
- Assessors Map 051, Parcel 002 and numbered 210 Andover Street (Barnes & Noble)
- Assessors Map 051, Parcel 006 and numbered 61 Prospect Street (East Boston Savings Bank)
- Assessors Map 051, Parcel 007 and numbered 210 Andover Street (Macys)
- Assessors Map 051, Parcel 008 and numbered 210 Andover Street
(Portion of Mall main parcel to only include land bordering north of
Orthopedics Drive, Prospect Street, Andover Street and Route 128)
- Assessors Map 051, Parcel 010 and numbered 210 Andover Street (Macys Men)
- Assessors Map 052, Parcel 001 and numbered 210 Andover Street (Tesla)
- Assessors Map 062, Parcel 017B and number 1 Orthopedics Drive (Medical Office)

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

Finance Committee

April 25, 2019

P287-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – This evening we held a Finance Committee meeting. Sitting on behalf of the committee were myself as chair, Councillor Manning-Martin, Councillor McGinn, Councillor Rossignoll, and we had Councillor Melville sitting in for Councillor Gould. Other councillors were also available at the meeting. The purpose of the meeting was to approve funding for Tannery 1 apartments, 18 Crowninshield Street in the amount of \$850,000 from Inclusionary Zoning funds and transfer those to community housing. This is all part of working with the Winn Properties and the City putting in some matching money to be able to keep those as affordable. The following motion was made. (Report received)

P288-19 COUNCILLOR GRAVEL – Reporting for the Finance Committee – MOVE TO appropriate from account 270-0000-33023 Community Preservation Community Housing an amount of \$850,000 and from account 270-0000-33013 Inclusionary Zoning an amount of \$750,000 totaling an amount of \$1,600,000 for the preservation of Tannery I affordable units. The City of Peabody Community Development Department shall administer and disburse such funds to the Tannery Limited Partnership and/or Winn Development Company Limited Partnership, as Community Development Department determined milestones are achieved.

(Carried 9-0; Councillor Moutsoulas and Councillor Gould absent)

Committee of the Whole

April 25, 2019

P289-19 COUNCILLOR O'NEILL – Reporting for the Committee of the Whole – The Committee of the Whole met to discuss the 2018 Aggregate Industries Annual Report. We discussed the number of blasts that took place in 2018, as well as some of the verbal complaints that came from residents as a result of those blasts throughout the year. We also discussed the required water monitoring, air, and noise tests that are required by the Special Permit. We were joined by members of the Aggregate Industries management team. The following motions came out of committee. (Report received)

P290-19 COUNCILLOR O'NEILL – Reporting for the Committee of the Whole – MOVE TO request that the Director of Public Services Department provide an opinion as to whether we should revert back to a semiannual groundwater monitoring schedule, as outlined in "Section E, Item 1, "Effects on Water Supply and Ipswich River Watershed" of Special Permit 33-2002; Aggregate Industries, 55 Russell Street. (Unanimous)

P291-19 COUNCILLOR O'NEILL – Reporting for the Committee of the Whole – MOVE TO request that the Director of Public Services Department provide an opinion as to whether Aggregate Industries should revert back to the reporting outlined in Section E, Item 4, of "Effects on Water Supply and Ipswich River Watershed" regarding measurement of various parameters and frequency of monitoring sampling events at the NPDES Outfall 001 location of Special Permit 33-2002; Aggregate Industries, 55 Russell Street. (Unanimous)

P292-19 COUNCILLOR O'NEILL – Reporting for the Committee of the Whole – MOVE TO approve the 2018 Aggregate Industries Annual Report. (Carried 10-0; Councillor Gould absent)

MOTIONS, ORDERS AND RESOLUTIONS

P293-19 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Timothy E. Spanos, City Clerk, regarding Response to Motion P236-19; City of Salem plastic bag ban ordinance and refer to the Industrial & Community Development Committee. (Unanimous)

P294-19 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department inspect the dip in the road at the corner of Goodale Street and Lowell Street near the Big Y Plaza. I believe utility work was done and the repair is inadequate and needs to be repaired by the utility company that's responsible. (Unanimous)

P295-19 COUNCILLOR CHAREST – MOVE TO request that the Public Services Department inspect the paving repairs made at the intersection of Lowell Street with Endicott Street and King Street. It looks like the pavement is coming up. Also, please make sure that all repairs to concrete sidewalks are replaced with concrete. (Unanimous)

P296-19 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, late communication Item 1 from His Honor the Mayor regarding Establishment of a Water & Sewer Enterprise Fund for Fiscal 2020 and refer to the Finance Committee. (Unanimous)

(COUNCILLOR GRAVEL: "I'd remind my fellow councillors and anybody who's listening that on Thursday, May 2nd from 6:00 to approximately 9:00 p.m. in the Frank L. Wiggin Auditorium we'll be honoring five former educators from the City of Peabody public schools who gave a majority of their life to servicing our children and who did some quite remarkable things, in terms of making improvements and long-lasting impressions on that system. Tickets are available on peabodyfoundation.org.)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P297-19 COUNCILLOR MOUTSOULAS – MOVE TO receive a communication from Bhevesh Kumar Patel, 65 Central Street, Apt. #2, regarding Special Permit application and set up a public hearing. (Unanimous)

P298-19 COUNCILLOR MELVILLE – MOVE TO receive a communication from Peabody Veterans' Council regarding Memorial Day activities on Monday, May 27, 2019. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P299-19 COUNCILLOR MCGINN – MOVE TO receive and approve the following Junk Dealers Licenses (2019 Renewal), subject to all papers being in order:

GameStop #664, 300 Andover Street
(Unanimous)

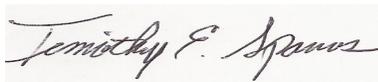
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:20 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, APRIL 30, 2019
RETURNED BY HIS HONOR THE MAYOR, APRIL 30, 2019

ATTEST



(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Various Appointments under date of April 4, 2019

Timothy E. Spanos, City Clerk, re: Response to Motion P236-19; City of Salem plastic bag ban ordinance

Peabody Veterans' Council re: Memorial Day activities on Monday, May 27, 2019

Bheveshkumar Patel, 65 Central Street, Apt. #2, re: Special Permit application

JUNK DEALERS LICENSE: (2019 Renewal)

GameStop #664, 300 Andover Street