

REGULAR MEETING OF THE PEABODY CITY COUNCIL
JUNE 11, 2020

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

ABSENT COUNCILLORS:

A remotely held 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.

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.

P276-20 COUNCILLOR GOULD – MOVE TO receive and approve the revised minutes from the regular meeting of May 28, 2020. (Carried 11-0)

HEARINGS

The City Council reconvened the recessed public hearing on the application from Todisco Properties, LLC, 40-42 Endicott Street, Peabody, MA. Atty. Athan Vontzalides and Mr. Pat Todisco appeared to speak on behalf of the application. Mr. Zachary Barnett, 9 Corey Drive, Peabody, MA; Mr. Michael Higgins, 7 Catherine Drive, Peabody, MA; Ms. Julie Daigle, 21 Fay Avenue, Peabody, MA; and Ms. Kristie DeLoreto, 12 Esquire Drive, Peabody, MA, appeared to speak in favor. Ms. Sylvia Hosman, 50 Endicott Street, Peabody, MA; Ms. Patricia Rennick, 49 Endicott Street, Peabody, MA; Mr. Stephen Kline, 35 Warren Street, Peabody, MA; Ms. Janine Lafond, 11 Berry Street, Peabody, MA; Mr. Russell Donovan, 12 Quail Road, Peabody, MA; Ms. Donna Kline, 35 Warren Street, Peabody, MA; Ms. Mary-Ellen Manning, 80 Lowell Street, Peabody, MA; Ms. Jaclyn Corriveau, 56 Lynn Street, Peabody, MA; Ms. Laura Johnson, 7 Esquire Drive, Peabody, MA; and Ms. Kim Seaberg, 4 Parkview Lane, Peabody, MA, appeared to speak in opposition.

P277-20 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, the following communications from Atty. Athan Vontzalides on behalf of Todisco Properties, 40-42 Endicott Street:

Item 8-J regarding Revised Site Plan dated May 18, 2020
Item 8-R regarding Revised Site Plan dated May 29, 2020
(Carried 11-0)

P278-20 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, the following communications regarding Hearing 4-A Special Permit, Todisco Properties, LLC, 40-42 Endicott Street, and refer to the public hearing:

Item 8-A from Paul Dancewicz, 14 Newcastle Road, re: 40-42 Endicott Street
Item 8-B from Susan Murray, 8 Warren Street, re: Endicott St Project
Item 8-C from Stephen Kline, 35 Warren Street, re: Peabody City Council Meeting 40-42 Endicott Street-
Opposed
Item 8-D from Patricia Rennick, 49 Endicott Street, re: Agenda – Opposed
Item 8-E from Edward Rennick, 49 Endicott Street, re: Agenda – Opposed
Item 8-F from Susan Murray, 8 Warren Street, re: Endicott St Project
Item 8-G from Russell Donovan, 12 Quail Road, re: 40-42 Endicott St Proposal
Item 8-I from Metzler McIntyre, 15 Berry Street, re: Agenda
Item 8-O from Paul Dancewicz, 14 Newcastle Road, re: 40-42 Endicott Street Project
Item 8-P from Anna DeMauro St. Pierre and Keith St. Pierre, 5 Smidt Avenue, 2nd Floor, re: Agenda
Item 8-S Metzler McIntyre, 15 Berry Street, re: 40-42 Endicott Street Special Permit
(Carried 11-0)

P279-20 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-Q communication from Peabody Public Services re: Departmental Response; 40-42 Endicott Street and refer to public hearing.
(Carried 11-0)

P280-20 COUNCILLOR MOUTSOULAS – MOVE TO close the public hearing on the application from Todisco Properties, 40-42 Endicott Street.
(Failed 8-3; Councillor Welton, Councillor Moutsoulas, and Councillor Charest in favor)

P280A-20 COUNCILLOR MOUTSOULAS – MOVE TO close the public hearing on the application from Todisco Properties, 40-42 Endicott Street.
(Carried 10-1; Councillor Manning-Martin opposed)

P281-20 COUNCILLOR MOUTSOULAS (Co-motion with Councillor McGinn) – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Todisco Properties, LLC, 29 Jennifer Lane, Peabody, MA, for a Special Permit seeking to change and alter the legally existing nonconforming structures and use by demolishing the existing structures and constructing thirty-eight (38) residential condominium units as shown on a plan of land dated May 29, 2020, at 40-42 Endicott 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. That the applicant satisfactorily address any and all issues raised by DPS and the Police Department with respect to any issues raised regarding the traffic study;
2. That the applicant comply with the demolition safeguards in accordance with the Fire Department response;
3. That the applicant comply with all items in the Health Department communication dated February 20, 2020;
4. That in accordance with Section 12 of the City of Peabody Zoning Ordinance the applicant shall meet with the Construction Review Committee and then subsequently complete the site plan review process. In addition to the requirements of Section 12, such activity with the Construction Review Committee and subsequently the Planning Board shall consider, one, all points raised in the communications related to this matter from the Department of Public Services dated February 3rd and June 3rd, 2020; and, two, all points raised in the communications related to this matter from the Community Development and Planning Department dated February 20, 2020, and March 4, 2020. All documented recommendations of the Construction Review Committee and the Planning Board shall be considered binding conditions of this Special Permit.

(Carried 9-2; Councillor Saslaw and Councillor Manning-Martin opposed)

The City Council reconvened the recessed public hearing on the application from SemiNex Corporation, 100-200 Corporate Place, Peabody, MA. Appearing to speak on behalf of the application was Atty. John Keilty and Mr. Peter Ogren. No one appeared to speak in favor. No one appeared to speak in opposition.

P282-20 COUNCILLOR SASLAW – MOVE TO close the public hearing on the application from SemiNex Corporation, 100 Corporate Place.
(Carried 10-1; Councillor Manning-Martin opposed)

P283-20 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application filed by SemiNex Corporation, 100 Corporate Place, Peabody, MA, for a Special Permit seeking to allow for two Special Permits; one for SemiNex Corporation operating in 100 Corporate Place and one for Dermal Photonics Corp. operating in 200 Corporate Place to conduct businesses engaged in

manufacturing optical and scientific instruments at 100-200 Corporate Place, 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:

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 10-0; Councillor Manning-Martin voted present)

A public hearing was duly held on the application filed by S & S Consultants, 530 Lowell Street, Peabody, MA. Atty. John Keilty, Mr. Syed Nuruzzaman, and Mr. Peter Ogren appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P284-20 COUNCILLOR SASLAW – MOVE TO recess the public hearing on the application filed by S & S Consultants, 530 Lowell Street, Peabody, until Thursday, June 25, 2020.
(Carried 11-0)

REPORTS OF COMMITTEE

Finance Committee June 11, 2020

P285-20 COUNCILLOR MCGINN – Reporting for the Finance Committee – Reporting on the meeting of the Finance Committee, which met earlier this evening remotely, present for the Committee were Councillors: Gould, O'Neill, Manning-Martin, Turco, and myself as chairperson. Also present this evening were Councillors: Welton, Charest, Saslaw, Melville, and Rossignoll. We had one item on the agenda, which was the MWRA payment schedule, and it dealt with a communication from the Mayor requesting that we approve a new MWRA payment schedule. This is a relaxation of the payment schedule permitted by the MWRA, an offer extended to the City to provide some relief, given current COVID-19 circumstances. This was presented to us by the Director of Finance, Mr. Gingras. He explained that the smoothed payment option that was outlined in the Mayor's communication to the Council would provide some advantage for the current fiscal year and for the next fiscal year -- actually for three fiscal years and then we would need to make up that payment in the out-years. It's important for all to understand that this is a zero-interest loan to begin with and there's no additional cost to the City to, kind of, reorganize this payment structure. So then that affect over the term of the payment schedule is zero to the City. So with that explanation, there was a motion made by Councillor Turco. (Report received)

P286-20 COUNCILLOR MCGINN – Reporting for the Finance Committee - MOVE TO approve the new MWRA payment schedule, as outlined in a communication from His Honor the Mayor dated June 4, 2020, as amended.
(Carried 11-0)

MOTIONS, ORDERS AND RESOLUTIONS

P287-20 COUNCILLOR MANNING-MARTIN (Tri-motion with Councillors Moutsoulas and Charest) – MOVE TO refer Item 8-S communication from Metzler McIntyre, 15 Berry Street, regarding 40-42 Endicott Street Special Permit to the Police Department Traffic Division to look at the timing of the pedestrian light at Wilson Square.
(Carried 11-0)

P288-20 COUNCILLOR MANNING-MARTIN – MOVE TO request that the Executive Session minutes for 2 Washington Street be released.
(Carried 11-0)

P289-20 COUNCILLOR MANNING-MARTIN – MOVE TO request that His Honor the Mayor provide the City Council with information pertaining to the reopening of City Hall, its offices, and, in particular, the Frank L. Wiggin Auditorium for use by the City Council and the public for public hearings.
(Carried 11-0)

P290-20 COUNCILLOR TURCO – MOVE TO request that the Public Services Department provide a street sweeping schedule for the summer to the City Council, whether it is ward by ward or street by street.
(Carried 11-0)

P291-20 COUNCILLOR TURCO – MOVE TO refer Section 17 of the Rules and Orders of the City Council of the City of Peabody to the Building Commissioner and request that he sign Special Permit applications only after verifying that the application has all of the required approvals from the Zoning Board of Appeals, Planning Board, Conservation Commission, etc.
(Carried 10-0; Councillor Moutsoulas absent)

P292-20 COUNCILLOR TURCO – MOVE TO request that the City Clerk decline to receive any Special Permit applications that have not received all of the required approvals from the Zoning Board of Appeals, Planning Board, Conservation Commission, etc.
(Carried 10-0; Councillor Moutsoulas absent)

P293-20 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-H communication from Dorthea Pilkons, 61 Warren Street Ext., regarding Agenda opposed – Old light school building on Endicott Street.
(Carried 10-0; Councillor Moutsoulas absent)

P294-20 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, the following Item 9-A Banner Request, subject to all papers being in order:

PVMHS, 485 Lowell Street
Care Dimensions, 75 Sylvan Street, Danvers
(Carried 10-0; Councillor Moutsoulas absent)

P295-20 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-K communication from Stewart Lazares, 2 Upham Street, regarding 70 Endicott Street late add.
(Carried 10-0; Councillor Moutsoulas absent)

P296-20 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, the following communications:

Item 8-L from Jaclyn Corriveau, 56 Lynn Street #2, re: Open Meeting Law Complaint Form
Item 8-M from Russell Donovan, 12 Quail Road, re: Open Meeting Law Complaint Form
Item 8-N from Dianne Hamilton, 35 Raymond Circle, re: Open Meeting Law Complaint Form
(Carried 9-0; Councillors Saslaw and Moutsoulas absent)

P297-20 COUNCILLOR MCGINN – MOVE TO delegate the responsibility to respond to the three complaints (Item 8-L, Item 8-M, and Item 8-N which are Open Meeting Law Complaint Forms previously received) to the City Solicitor and that the City Solicitor file for any needed extensions so that a comprehensive response can be formulated and submitted in writing to the three complainants with copies sent to the Attorney General.
(Carried 8-1; Councillor Manning-Martin opposed; Councillors Moutsoulas and Gould absent)

P298-20 COUNCILLOR ROSSIGNOLL – MOVE TO request that MassHighway widen the opening and remove the curbing that is at the entrance from Route 1 North going on to Forest Street.
(Carried 9-0; Councillors Moutsoulas and Gould absent)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

None.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Previously received.

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 11:15 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JUNE 18, 2020

RETURNED BY HIS HONOR THE MAYOR, JUNE 18, 2020



ATTEST: _____
(Allyson M. Danforth, City Clerk)

COMMUNICATIONS:

- Paul Dancewicz, 14 Newcastle Road, re: 40-42 Endicott Street
- Susan Murray, 8 Warren Street, re: Endicott St Project
- Stephen Kline, 35 Warren Street, re: Peabody City Council Meeting 40-42 Endicott Street- Opposed
- Patricia Rennick, 49 Endicott Street, re: Agenda – Opposed
- Edward Rennick, 49 Endicott Street, re: Agenda – Opposed
- Susan Murray, 8 Warren Street, re: Endicott St Project
- Russell Donovan, 12 Quail Road, re: 40-42 Endicott St Proposal
- Dorthea Pilkons, 61 Warren Street Ext., re: Agenda opposed – Old light school building on Endicott
- Metzler McIntyre, 15 Berry Street, re: Agenda
- Atty. Athan Vontzalides on behalf of Todisco Properties, 40-42 Endicott Street, re: Revised Site Plan dated May 18, 2020
- Stewart Lazares, 2 Upham Street, re: 70 Endicott Street late add
- Jaclyn Corriveau, 56 Lynn Street #2, re: Open Meeting Law Complaint Form
- Russell Donovan, 12 Quail Road, re: Open Meeting Law Complaint Form
- Dianne Hamilton, 35 Raymond Circle, re: Open Meeting Law Complaint Form
- Paul Dancewicz, 14 Newcastle Road, re: 40-42 Endicott Street Project
- Anna DeMauro St. Pierre and Keith St. Pierre, 5 Smidt Avenue, 2nd Floor, re: Agenda
- Public Services Department, re: Updated Departmental Response; 40-42 Endicott Street
- Atty. Athan Vontzalides on behalf of Todisco Properties, 40-42 Endicott Street, re: Revised Site Plan dated May 29, 2020
- Metzler McIntyre, 15 Berry Street, re: 40-42 Endicott Street Special Permit

BANNER:

- PVMHS, 485 Lowell Street
- Care Dimensions, 75 Sylvan Street, Danvers