

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**JUNE 28, 2018**

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

ABSENT COUNCILLORS: None

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President Edward R. Charest.

Salute to the American Flag.

P484-18 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of June 14, 2018, and the special meeting of June 19, 2018, as amended. (Unanimous)

COUNCILLOR CHAREST – 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.

P485-18 COUNCILLOR GOULD – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Appointment of Robert N. Labossiere, 160 Brady Avenue, Salem, New Hampshire, as Director of Public Services. (Unanimous)

(MAYOR BETTENCOURT APPEARED TO SPEAK REGARDING ITEM 7-A AND INTRODUCED MR. ROBERT LABOSSIERE.)

P486-18 COUNCILLOR GOULD – MOVE TO approve the appointment of Robert N. Labossiere, 160 Brady Avenue, Salem, New Hampshire, as Director of Public Services, for a three-year term to expire 12/31/2020. (Carried 10-1; Councillor Manning-Martin opposed)

P487-18 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, the following Item 9-D Block Party Request:

8 Allen Road to 14 Allen Road – June 30, 2018  
5-8 Glen Drive – July 14, 2018  
Orchard and Lowell Street – July 28, 2018  
Birch Street and Scott Drive/Scott Drive and Teri Road – July 21, 2018  
(Unanimous)

P488-18 COUNCILLOR O'NEILL – MOVE TO approve Block Party Request – Birch Street and Scott Drive/Scott Drive and Teri Road – July 21, 2018, subject to all papers being in order and with the following conditions:

**CONDITIONS:**

1. That the applicant submit payment for all overdue funds for prior police details to the City of Peabody by Friday, July 20, 2018;
2. That a Peabody Police Department detail is required from 8:00 p.m. to midnight;
3. That full payment for the Peabody Police Department detail for this year is to be paid by Friday, July 20, 2018; and
4. That all entertainment will end at 10:00 p.m.

(Carried 11-0)

**HEARINGS**

A public hearing was duly held on the application submitted by the City of Peabody, 24 Lowell Street, Peabody, MA. Mayor Bettencourt appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P489-18 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from the City of Peabody, 24 Lowell Street, Peabody, MA, for a Special Permit seeking to erect an electronic message board sign at 485 Lowell Street, Peabody, MA, as filed in accordance with Sections 11.4.8, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reason 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.

(Carried 11-0)

A public hearing was duly held on the application submitted by A. Chara Development, 30B Railroad Street, Revere, MA. Attorney John Keilty, Mr. Rick Salvo, Mr. Rob Woodland, Mr. Matthew McGeorge, Mr. Guy Glodis, and Mr. Jacques Santucci appeared to speak on behalf of the application. Chief Thomas Griffin appeared to speak on behalf of the City. No one appeared to speak in favor. Mr. Russell Donovan, 12 Quail Road, Peabody, MA; and Mr. Keith Doucette, 12 Surrey Lane, Peabody, MA, appeared to speak in opposition.

P490-18 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-H communication from Woodland Design Group, 59 West River Road, Unit 19, Manchester, NH, regarding Traffic and Parking Assessment; 0 Newbury Street. (Unanimous)

P491-18 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, late communication Item 1 from Attorney John Keilty on behalf of A. Chara Development, regarding Letters in support. (Unanimous)

P492-18 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from A. Chara Development, 30B Railroad Street, Revere, MA, for a Special Permit seeking to operate a medical marijuana facility to be operated by Wellness Connection of MA, Inc., at 0 Newbury Street, Peabody, MA, as filed in accordance with Sections 6.1, 6.13, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reason 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. Hours of operation will be Monday through Saturday from 10:00 a.m. to 7:00 p.m. with no Sunday hours; and
2. That the medical marijuana dispensary operate pursuant to the terms, conditions, obligations, responsibilities, and disclosures under Section 6.13 of the Zoning Ordinance of the City of Peabody and those of the City of Peabody Community Host Agreement provided to the applicant this day; to execute the Host Agreement and to agree not to engage in any recreational or adult marijuana business uses.

(Carried 11-0)

A public hearing was duly held on the application submitted by Phytotherapy, Inc., 25 Newbury Street, Peabody, MA. Attorney David Ankeles, Mr. Chris Sparages, Ms. Dale Buckman, Mr. John Napoli, Mr. Alex Athanas, and Attorney James Smith appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P493-18 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, late communication Item 2 from Attorney David Ankeles on behalf of Phytotherapy, Inc., regarding Bios of Mr. John Napoli and Ms. Dale Buckman. (Unanimous)

P494-18 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from Phytotherapy, Inc., 25 Newbury Street, Peabody, MA, for a Special Permit seeking to operate a medical marijuana dispensary at 25 Newbury Street, Peabody, MA, as filed in accordance with Sections 6.1, 6.13, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reason 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. Hours of operation will be Monday through Saturday from 10:00 a.m. to 7:00 p.m. with no Sunday hours;
2. That Section 6.13.5.1 (b) be stricken from the Narrative Responses submitted by Phytotherapy Inc., in their Special Permit application;
3. That the applicant provide a traffic study, in accordance with the request from the Police Department; and
4. That the medical marijuana dispensary operate pursuant to the terms, conditions, obligations, responsibilities, and disclosures under Section 6.13 of the Zoning Ordinance of the City of Peabody and those of the City of Peabody Community Host Agreement provided to the applicant this day; to execute the Host Agreement and to agree not to engage in any recreational or adult marijuana business uses.

(Carried 10-1; Councillor O'Neill opposed)

A public hearing was duly held on the Zoning Amendment – Section 6.14 Marijuana Establishments Prohibited. Mayor Bettencourt and City Solicitor Michael Smerczynski appeared to speak on behalf of the City. Mr. Thomas Zellen, 5 Penn Road, Peabody, MA; District Attorney Jonathan Blodgett; and Ms. Alexandra Giorgione, 18 Harrison Avenue, Peabody, MA, appeared to speak in favor. Mr. Keith Doucette, 18 Surrey Lane, Peabody, MA; Mr. Jonathan Hammond, 47 Holten Street, Peabody, MA; Mr. John Salisbury, 7 Emerson Street, Peabody, MA; and Ms. Kathy Hartney, 25 Coolidge Avenue, Peabody, MA, appeared to speak in opposition.

P495-18 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 8-L communication from Planning Board regarding Recommendation for adoption of Section 6.14 Marijuana Establishments Prohibited. (Unanimous)

P496-18 COUNCILLOR MCGINN – BE IT ORDAINED by the City Council of the City of Peabody as follows:

**SECTION ONE:** That the Zoning Ordinance of the City of Peabody entitled, City of Peabody Zoning Ordinance Adopted April 28, 2011, and amended through July 18, 2017, is hereby further amended as follows:

**By repealing the following Section 6.14 entitled Temporary Moratorium on the Sale and Distribution of Recreational Marijuana:**

There shall be a temporary moratorium through December 31, 2018, on the usage of land or structures for a Recreational Marijuana Establishment and Marijuana Retailer which use shall include, without limitation, the operation of any marijuana establishment, as defined in G.L. c. 94G, Section 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.

**And adding in place thereof the following new Section 6.14 as follows:**

**6.14 Marijuana Establishments Prohibited**

The operation of any marijuana establishment, as defined in G.L. c. 94G, Section 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related facility, is prohibited in all zoning districts of the City. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.

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

**SECTION THREE:** This ordinance shall take effect as provided by law.  
(Carried 10-1; Councillor Saslaw opposed)

RECONSIDERATION BY COUNCILLOR GRAVEL – Immediate reconsideration hoping same shall not prevail. (Failed 10-1; Councillor Saslaw in favor)

A public hearing was duly held on the Petition submitted by Cellco Partnership d/b/a Verizon Wireless. Attorney Victor Manougian appeared to speak on behalf of the application. Mr. Jon Swanson, 9 Welcome Street, Peabody, MA, appeared to speak in favor. Mr. Russell Donovan, 12 Quail Road, Peabody, MA, appeared to speak in opposition. The City Council requested that Cellco Partnership d/b/a Verizon Wireless evaluate the following options for petitions 2, 6, 7, 8, 13 & 14 (sc01, sc21, sc24, sc20, sc51 & sc22):

1. Move the pole location away from residential uses;
  2. Maximize use of existing poles (as is the case with petition 1 / sc23);
  3. Utilize pole heights that are not out of scale with existing utility poles in the vicinity;
  4. Locate or utilize existing poles within an existing pole line on the same side of the street;
  5. Minimize the total number of poles required;
  6. Consider any potential noise issues as indicated in the Health Department response;
- Regarding petition 5 / sc30 evaluate options to consider criteria 2, 3 & 4 above  
Regarding all 14 petitions, utilize poles that look like and function as light poles.

P497-18 COUNCILLOR MCGINN – MOVE TO recess the public hearing on the Petition submitted by Cellco Partnership d/b/a Verizon Wireless until Thursday, July 12, 2018. (Unanimous)

**REPORTS OF COMMITTEE**

**MUNICIPAL MARIJUANA COMMITTEE**

**JUNE 28, 2018**

P498-18 COUNCILLOR MELVILLE – Reporting for the Municipal Marijuana Committee – This evening there was a meeting of the Municipal Marijuana Committee. The host agreement was approved by the Committee and accepted by both of the petitioners who were later approved for their Special Permit. (Report received)

P499-18 COUNCILLOR MELVILLE – MOVE TO receive and approve, under suspension of the rules, Item 8-J communication from Michael Smerczynski, City Solicitor, regarding Draft Peabody universal dispensary host agreement, as amended. (Unanimous)

**COMMITTEE OF THE WHOLE**

**JUNE 28, 2018**

P500-18 COUNCILLOR CHAREST – Reporting for the Committee of the Whole – The Committee of the Whole met with the City Solicitor in Executive Session to discuss options with Verizon. (Report received)

**MOTIONS, ORDERS AND RESOLUTIONS**

P501-18 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-B communication from Timothy E. Spanos, City Clerk, regarding Response to Motion P454-18; Letter to Aggregate Industries; Heavy commercial vehicles on Roosevelt Avenue. (Unanimous)

P502-18 COUNCILLOR O'NEILL – MOVE TO approve the following Block Party, subject to all papers being in order:

8 Allen Road to 14 Allen Road – June 30, 2018

5-8 Glen Drive – July 14, 2018

Orchard and Lowell Street – July 28, 2018

(Unanimous)

P503-18 COUNCILLOR O'NEILL – MOVE TO receive and approve, under suspension of the rules, late communication Item 3 Block Party – Bay State Road @ Lynn Street; Lake Shore Road @ Fairview Avenue – July 3<sup>rd</sup> & 4<sup>th</sup>, subject to all papers being in order. (Unanimous)

P504-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Board of Assessors regarding Purchase of city-owned land, part of Map 73, Lot 207, and to refer to the Legal Affairs Committee. (Unanimous)

P505-18 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-G communication from Barbara Previte, PMLP, regarding Purchase of city-owned land, Map 73, Lot 207. (Unanimous)

P506-18 COUNCILLOR GOULD (Co-motion with Councillor Charest) – MOVE TO request that the Public Services Department install a streetlight on the pole at 5 Dartmouth Street. (Unanimous)

P507-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 4 from Stoneybrook Condominium Trust regarding Petition to recognize a special twenty (20) mile per hour speed limit for all private ways within the Stoneybrook Condominium Property and to refer to the Legal Affairs Committee. (Unanimous)

P508-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-C communication from David Terenzoni, Dir., Public Services Dept., regarding Response to Motion P363-18. (Unanimous)

P509-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-D communication from David Terenzoni, Dir., Public Services Dept., regarding Response to Motion P52-18. (Unanimous)

P510-18 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-E communication from David Terenzoni, Dir., Public Services Dept., regarding Response to Motion P171-18 and P381-18. (Unanimous)

P511-18 COUNCILLOR TURCO – MOVE TO amend Section 19-95.1 of the Code of the City of Peabody entitled "Residents only allowed on certain streets-daytime hours" from 301 Lynnfield Street where it enters Lynch Street to 319 Lynnfield Street where it exits Lynch Street between the hours of 6:00 a.m. to 10:00 a.m. and to draft and advertise. (Unanimous)

P512-18 COUNCILLOR MELVILLE – MOVE TO receive and approve, the following Taxicab Driver License, subject to all papers being in order:

- Anthony Zucchari – License 1
  - Stephen Plunkett – License 2
  - Dana Terry – License 3
  - Donald Lamontagne – License 4
  - Scott Boyle – License 5
  - Walter Jodrie – License 6
  - Mark Adams – License 7
- (Unanimous)

P513-18 COUNCILLOR GRAVEL – MOVE TO receive, with regrets, under suspension of the rules, Item 8-K communication from Timothy E. Spanos, City Clerk, regarding Letter of intention to retire. (Unanimous)

**COMMUNICATIONS FROM HIS HONOR THE MAYOR**

Previously received.

**COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P514-18 COUNCILLOR MCGINN – MOVE TO receive a communication from Lucia DelNegro, Conservation Commission, regarding Departmental response; Petition – Cellco Partnership d/b/a Verizon Wireless and refer to the public hearing. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P515-18 COUNCILLOR MCGINN – MOVE TO receive and approve Banner Request – Chabad of Peabody, 682 Lowell Street, subject to all papers being in order. (Unanimous)

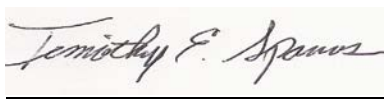
P516-18 COUNCILLOR MCGINN – MOVE TO receive and approve Use of the Wiggin Auditorium – Peabody Veterans Memorial High School – April 2 & 3, 2019, subject to all papers being in order. (Unanimous)

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

P517-18 COUNCILLOR MCGINN – MOVE TO receive a communication from Francisco Burgos, 25 Farm Avenue, regarding Special Permit application and to set up a public hearing. (Unanimous)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 12:55 a.m.

SUBMITTED TO HIS HONOR THE MAYOR, JULY 5, 2018  
RETURNED BY HIS HONOR THE MAYOR, JULY 5, 2018

ATTEST   
(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

- His Honor the Mayor re: Appointment of Robert N. Labossiere, 160 Brady Avenue, Salem, New Hampshire, as Director of Public Services
- Board of Assessors regarding Purchase of city-owned land, part of Map 73, Lot 207
- Timothy E. Spanos, City Clerk, regarding Response to Motion P454-18; Letter to Aggregate Industries; Heavy commercial vehicles on Roosevelt Avenue
- David Terenzoni, Dir., Public Services Dept., regarding Response to Motion P363-18
- David Terenzoni, Dir., Public Services Dept., regarding Response to Motion P52-18
- David Terenzoni, Dir., Public Services Dept., regarding Response to Motions P171-18 and P381-18

Lucia DelNegro, Conservation Commission, regarding Departmental response; Petition – Cellco Partnership d/b/a Verizon Wireless  
 Barbara Previte, PMLP, regarding Purchase of city-owned land, Map 73, Lot 207  
 Woodland Design Group, 59 West River Road, Unit 19, Manchester, NH, regarding Traffic and Parking Assessment; 0 Newbury Street  
 Francisco Burgos, 25 Farm Avenue, regarding Special Permit application  
 Michael Smerczynski, City Solicitor, regarding Draft Peabody universal dispensary host agreement  
 Timothy E. Spanos, City Clerk, regarding Letter of intention to retire  
 Planning Board regarding Recommendation for adoption of Section 6.14 Marijuana Establishments Prohibited

**TAXICAB DRIVER LICENSE:**

Anthony Zucchari – License 1  
 Stephen Plunkett – License 2  
 Dana Terry – License 3  
 Donald Lamontagne – License 4  
 Scott Boyle – License 5  
 Walter Jodrie – License 6  
 Mark Adams – License 7

**BANNER REQUEST:**

Chabad of Peabody, 682 Lowell Street

**WIGGIN AUDITORIUM:**

Peabody Veterans Memorial High School – April 2 & 3, 2019

**BLOCK PARTY:**

8 Allen Road to 14 Allen Road – June 30, 2018  
 5-8 Glen Drive – July 14, 2018  
 Orchard and Lowell Street – July 28, 2018  
 Birch Street and Scott Drive/Scott Drive and Teri Road – July 21, 2018