

REGULAR MEETING OF THE PEABODY CITY COUNCIL
AUGUST 25, 2016

PRESENT: COUNCILLORS: MOUTSOULAS, SINEWITZ, WALSH, CHAREST, SASLAW, TURCO, GARABEDIAN, GOULD, AND MCGINN

ABSENT: COUNCILLORS: MANNING-MARTIN AND GRAVEL

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Peter M. McGinn.

Salute to the American Flag.

P569-16 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of July 14, 2016. (Unanimous)

COUNCILLOR MCGINN - 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

P570-16 COUNCILLOR GOULD – MOVE THAT the proposal for various zoning language amendments as requested by Community Development Department be allowed to be withdrawn, without prejudice. (Unanimous)

A public hearing was duly held on the application from Christopher V. Catino, 29 Park Avenue, Wakefield, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P571-16 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-A communication from Gary R. Belowich, President, Remic Properties, 212 Newbury Street, regarding Abutters letter for Special Permit for 218 Newbury Street. (Unanimous)

P572-16 COUNCILLOR SASLAW – MOVE TO recess the public hearing on the Special Permit application from Christopher V. Catino, Northshore Auto Sales for property at 218-B Newbury Street, until Thursday, September 15, 2016. (Unanimous)

P573-16 COUNCILLOR SASLAW – MOVE TO continue the public hearing on the Class 2 Motor Vehicle License application from Christopher V. Catino, LLC, d/b/a North Shore Auto Sales, 218-B Newbury Street, until Thursday, September 15, 2016. (Unanimous)

A public hearing was duly held on the application from Blue River Diamonds, 210 Andover Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Neal Van Dam. No one appeared to speak in favor. No one appeared to speak in opposition.

P574-16 COUNCILLOR CHAREST – MOVE TO approve the application from Blue River Diamonds, 210 Andover Street, Peabody, MA, for a Junk Dealers License at said 210 Andover Street, Peabody, MA, subject to all papers being in order.
(Carried 9-0; Councillors Manning-Martin and Gravel absent)

A public hearing was duly held on the Special Permit application from Pasquale Deleo, Jr., 155 Locksley Road, Lynnfield, MA. Appearing to speak on behalf of the application was attorney David Ankeles and Mr. Pasquale Deleo, Jr. No one appeared to speak in favor. No one appeared to speak in opposition.

P575-16 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 1 from Mr. Thomas Paras, 106 Lynn Street, regarding Special Permit application; 4-6 County Street. (Unanimous)

P576-16 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, late communication Item 2 from Mr. George Phillips, 93 Lynn Street, regarding Special Permit application; 4-6 County Street. (Unanimous)

P577-16 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application from Pasquale Deleo, Jr., 155 Locksley Road, Lynnfield, MA, for a Special Permit to convert the existing commercial office space to one residential unit at 4-6 County, 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. There will be no changes to the exterior dimensions of the existing structure;
 2. A minimum of six off-street parking spaces will be provided with no additional curb cuts;
 3. Any future transfer of this Special Permit will require an additional public hearing;
 4. The existing lot shall remain as one parcel; and
 5. An occupancy permit will be required before occupancy.
- (Carried 9-0; Councillors Manning-Martin and Gravel absent)

A public hearing was duly held on the Special Permit application from Stephanos Frangias, 97 Tremont Street, Peabody, MA. Mr. Stephanos Frangias and Mr. David Jaquith appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P578-16 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, late communication Item 3 from Mr. David Jaquith, 81 Railroad Avenue, Rowley, MA, regarding Renderings; 97 Tremont Street. (Unanimous)

P579-16 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Stephanos Frangias, 97 Tremont Street, Peabody, MA, for a Special Permit to remove a 14 X 20 wood frame portion of the existing automotive repair building and rebuild in the existing footprint a concrete block building 8 feet, plus or minus, higher than the existing structure at said 97 Tremont 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.

(Carried 9-0; Councillors Manning-Martin and Gravel absent)

A public hearing was duly held on the Special Permit application from Holly Leonard, 119R Foster Street, Peabody, MA. Ms. Holly Leonard appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P580-16 COUNCILLOR MOUTSOULAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Holly Leonard, 119R Foster Street, Peabody, MA, for a Special Permit to allow for indoor recreation at 58 Pulaski 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:

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; Councillors Manning-Martin and Gravel absent)

A public hearing was duly held on the application from Peabody Market and Liquor, Inc., 117 Newbury Street, Peabody, MA. Mr. Sajad Sofi appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P581-16 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from Peabody Market and Liquor, Inc., 117 Newbury Street, Peabody, MA, for a Special Permit to allow for the sale of packaged beverages, beer & wine, at said 117 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:

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 8-0; Councillors Manning-Martin, Gravel, and Garabedian absent)

REPORTS OF COMMITTEE

Finance Committee August 25, 2016

P582-16 COUNCILLOR GOULD – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of July 1, 2016, to help fund the Peabody Fire & Police Memorial Project, and that a perpetual maintenance fund shall be required and administered by the Peabody Police Department and Peabody Fire Department:

FROM:

Community Preservation Act - \$82,800.00
Open Space Fund Balance
270-0000-33021

TO:

Community Preservation Act - \$82,800.00
Open Space Expense
270-01811-58562-2017-367

(Carried 8-0; Councillors Manning-Martin, Gravel, and Garabedian absent)

P583-16 COUNCILLOR GOULD – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of July 1, 2016:

FROM:

Community Preservation Act - \$177,000.00
Open Space Fund Balance
270-0000-33021

TO:

Community Preservation Act - \$177,000.00
Open Space Expense
270-01811-58562-2017-366

(Carried 8-0; Councillors Manning-Martin, Gravel, and Garabedian absent)

P584-16 COUNCILLOR GOULD – Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of July 7, 2016:

FROM:

Chapter 90 Projects – FY 2017 - \$1,255,701.00
250-35216

TO:

Road Improvement Projects - \$1,255,701.00
250-4210-58134

(Carried 8-0; Councillors Manning-Martin, Gravel, and Garabedian absent)

MOTIONS, ORDERS AND RESOLUTIONS

P585-16 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-H communication from Teresa (Tracy) Lunt, 9 Dobbs Road, regarding Special Permit application and to set up a public hearing. (Unanimous)

P586-16 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-P communication from One Call Junk Hall, LLC, 56 Pulaski Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P587-16 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve, under suspension of the rules, Item 8-K communication from Albert Talarico, Building Commissioner, regarding Transfer of Special Permit #31 dated November 9, 1982; 97 Tremont Street, subject to all papers being order. (Unanimous)

P588-16 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, the following Item 9-E Junk Dealer License, and to set up a public hearing:

One Call Junk Haul, 56 Pulaski Street
Extras for Creative Reuse, 58 Pulaski Street (Unanimous)

P589-16 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-I communication from Sharon Cameron, Board of Health Director, regarding Violation notices for Toni's Perfect Hit Vapors, 649 Lowell Street. (Unanimous)

P590-16 COUNCILLOR SINEWITZ – MOVE TO request that the City Solicitor provide a legal opinion to the City Council regarding the procedure to rescind the Special Permit of Toni's Perfect Hit Vapors, 649 Lowell Street, for violations to their Special Permit. (Unanimous)

P591-16 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Letter to the City Council regarding Proposed addition to the City's Zoning Ordinance and to refer to the Industrial & Community Development Committee. (Unanimous)

P592-16 COUNCILLOR SINEWITZ – MOVE TO request that the Community Development Department appear before the City Council to provide a PowerPoint presentation, which shows the City Council every B-R district in the city. (Unanimous)

P593-16 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-B communication from Paul D. Stedman, District Highway Director, Massachusetts Department of Transportation, regarding Goodwin Circle Rotary reconfiguration. (Unanimous)

P594-16 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-F communication from Maura Healey, Attorney General, regarding Air BNB. (Unanimous)

P595-16 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department repair the drain pipe that's broken in front of 11 Reo Road. I'd request that a snake be put in with a camera. (Unanimous)

P596-16 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 7-E communication from His Honor the Mayor regarding Letter to the City Council regarding Requesting authorization to execute a Purchase and Sale Agreement for a portion of land in Peabody situated on Willowdale Avenue and to refer to the Legal Affairs Committee. (Unanimous)

P597-16 COUNCILLOR CHAREST – MOVE TO receive, under suspension of the rules, Item 8-D communication from William Cataldo, 6 Stuart Road, regarding Low water pressure, to refer to the Public Services Committee, and to request that a representative from the Water Department appear. (Unanimous)

P598-16 COUNCILLOR CHAREST (Co-motion with Councillor Turco) – MOVE TO refer to the Public Safety Committee an issue at the intersection of Centennial Drive and Summit Street where drivers coming up Summit Street who are taking a left into Centennial Park make a very wide turn. (Unanimous)

P599-16 COUNCILLOR CHAREST (Co-motion with Councillor McGinn) – Whereas an emergency condition exists affecting the health, safety, and welfare of citizens of the City of Peabody; therefore be it ordered by the City Council of the City of Peabody that the Public Services Department replace the "Construction on Main Street" sign at the intersection of Lowell Street and Perkins Street with a smaller sign. If you are coming down Perkins Street it's very difficult to see oncoming Lowell Street traffic. (Emergency Preamble – Carried 7-0; Councillors: Moutsoulas, Manning-Martin, Gravel, and Garabedian absent)

(Motion to adopt – Carried 7-0; Councillors: Moutsoulas, Manning-Martin, Gravel, and Garabedian absent)

P600-16 COUNCILLOR SASLAW – MOVE TO request that the Public Services Department put a berm in front of 44 and 46 Nancy Avenue. (Unanimous)

P601-16 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-G communication from Stahl USA, 13 Corwin Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P602-16 COUNCILLOR TURCO – MOVE to receive and approve, under suspension of the rules, Item 8-J communication from Albert Talarico, Building Commissioner, regarding Transfer of Special Permit #1 dated January 18, 1980; 149 Washington Street, subject to all papers being in order. (Unanimous)

P603-16 COUNCILLOR TURCO – MOVE to receive and approve, under suspension of the rules, Item 8-L communication from Albert Talarico, Building Commissioner, regarding Transfer of Special Permit #40 dated November 23, 1999; 98 Lynn Street, subject to all papers being in order. (Unanimous)

P604-16 COUNCILLOR TURCO (Co-motion with Councillor McGinn) – MOVE TO request that the Public Services Department repaint the crosswalks at the intersection of Lynnfield Street, County Street, and Summit Street, which are barely visible. (Unanimous)

P605-16 COUNCILLOR TURCO – MOVE TO request that the Peabody Municipal Light Plant install a streetlight at 9 Coolidge Avenue. (Unanimous)

P606-16 COUNCILLOR TURCO – MOVE TO request that the Park, Recreation & Forestry Department remove two rotted trees in front of 30 Columbia Boulevard. (Unanimous)

P607-16 COUNCILLOR TURCO – MOVE TO request that the Public Services Department repair a broken sewer drain in front of 14 Martinack Avenue. (Unanimous)

P608-16 COUNCILLOR GOULD (Co-motion with Councillor Charest) – MOVE TO request that the Public Services Department repair the pothole in front of 7 James Street. (Unanimous)

P609-16 COUNCILLOR GOULD (Co-motion with Councillor McGinn) – MOVE TO request that the Public Services Department install "do not block intersection" hash marks painted in the street at the Main Street intersection with Caller Street. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P610-16 COUNCILLOR GOULD – MOVE TO receive Item 7-A communication from His Honor the Mayor regarding Moody's Investor Services report for various findings. (Unanimous)

P611-16 COUNCILLOR GOULD – MOVE TO receive Item 7-B communication from His Honor the Mayor regarding Letter to State delegation regarding MGL Chapter 40B. (Unanimous)

P612-16 COUNCILLOR GOULD – MOVE TO receive Item 7-D communication from His Honor the Mayor regarding Letter to the City Council regarding Approval of a home-rule petition to increase the number of all-alcohol liquor licenses and to refer to the Legal Affairs Committee. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P613-16 COUNCILLOR GOULD – MOVE TO receive a communication from David Terenzoni, Acting Director of Public Services, regarding Council motion P86-16, P89-16, P425-16, P613-15. (Unanimous)

P614-16 COUNCILLOR GOULD – MOVE TO receive a communication from Attorney Michael T. Smerczynski, City Solicitor, regarding Status report regarding litigation over billboards. (Unanimous)

P615-16 COUNCILLOR GOULD – MOVE TO receive a communication from Jennifer Davis, Director of Parks, Recreation & Forestry, regarding Motion P494-16. (Unanimous)

P616-16 COUNCILLOR GOULD – MOVE TO receive a communication from Planning Board regarding Minutes from July 7, 2016, meeting. (Unanimous)

P617-16 COUNCILLOR GOULD – MOVE TO receive a communication from Karen Sawyer Conard, Director of Community Development & Planning, regarding Housing Development Incentive Program Plan and Zone and to refer to the Industrial & Community Development Committee. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P618-16 COUNCILLOR GOULD – MOVE TO receive and approve the following Block Party, subject to all papers being in order:

- Sheila Glidden, 13 Farnham Ave, August 13, 2016, rain date August 20, 2016
Brenda Ligh, 24 Benevento Circle, and Darlene Hodas, 39 Benevento Circle, August 20, 2016;
rain date August 21, 2016
- Nichole Coppola, 28 Margin Terrace, and Kim Mosher, 4 Adams Ave, September 3, 2016; rain
date September 4, 2016
- Patrick Brennan, 39 Buttonwood Lane, and Brian Crocker, 37 Buttonwood Lane, September 10,
2016; rain date September 11, 2016
(Unanimous)

P619-16 COUNCILLOR SASLAW – MOVE TO receive and approve Innholders License (Renewal for 2016) Homewood Suites by Hilton Boston/Peabody, 57 Newbury Street, subject to all papers being in order. (Unanimous)

P620-16 COUNCILLOR SASLAW – MOVE TO receive Class 3 Motor Vehicle License (Transfer) Rodolfo Florencio, Peabody Auto Collision, 50 Warren Street, Apt. 535, and to set up a public hearing. (Unanimous)

P621-16 COUNCILLOR GOULD – MOVE TO receive and approve the following Taxi/Limousine Driver's License, subject to all papers being in order:

Louis Anasoulis, License #27	Robert Ruest, License #28
Shane Kieran, License #29	David Steiger, License #30
Stephen Plunkett, License #31	Howard Bent, License #32
Keith Patterson, License #33	Robert Wells, License #35
Jason Cacciola, License #36	Michael Paciulli, License #37
Jaime Mejia, License #38	(Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

{10-A 3 Walter Road}

P622-16 COUNCILLOR GOULD - BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Chapter 19, "Article IV entitled Motor Vehicles and Traffic; Parking," of the Code of the City of Peabody be adopted as advertised and read.
(Carried 7-0; Councillors Moutsoulas, Manning-Martin, Gravel, and Garabedian absent)

{10-B Sewer and Water rates}

P623-16 COUNCILLOR– BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending the Ordinance Entitled Sewer and Water Rates of the City of Peabody be adopted as advertised and read.

(Carried 7-0; Councillors Moutsoulas, Manning-Martin, Gravel, and Garabedian absent)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:10 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, SEPTEMBER 1, 2016

RETURNED BY HIS HONOR THE MAYOR, SEPTEMBER 1, 2016



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Moody's Investor Services report for various findings

His Honor the Mayor re: Letter to State delegation re: M.G.L Chapter 40B

His Honor the Mayor re: Letter to the City Council re: Proposed addition to the City's Zoning Ordinance

His Honor the Mayor re: Letter to the City Council re: Approval of a home-rule petition to increase the number of all-alcohol liquor licenses.

His Honor the Mayor re: Letter to the City Council re: Requesting authorization to execute a Purchase and Sale Agreement for a portion of land in Peabody situated on Willowdale Avenue

Gary R Belowich, President, Remic Properties, 212 Newbury Street re: abutters letter for special permit for 218 Newbury Street

Paul D. Stedman, District Highway Director, Massachusetts Department of Transportation re: Goodwin Circle Rotary reconfiguration

David Terenzoni, Acting Director of Public Services, re: Council motion P86-16, P89-16, P425-16, P613-15

William Cataldo, 6 Stuart Road, re: Low Water Pressure

Attorney Michael T. Smerczynski, City Solicitor, re: Status report regarding litigation over billboards

Maura Healey, Attorney General, re: Air BNB

Stahl USA, 13 Corwin Street, re: Special Permit Application

Teresa (Tracy) Lunt, 9 Dobbs Road, re: Special Permit Application

Sharon Cameron, Board of Health Director, re: Violation notices for Toni's Perfect Hit Vapors, 649 Lowell Street

Albert Talarico, Building Commissioner, re: Transfer of Special Permit #1 Dated January 18, 1980; 149 Washington Street

Albert Talarico, Building Commissioner, re: Transfer of Special Permit #31 Dated November 9, 1982; 97 Tremont Street

Albert Talarico, Building Commissioner, re: Transfer of Special Permit #40 Dated November 23, 1999; 98 Lynn Street

Jennifer Davis, Director of Parks Recreation & Forestry, re: Motion P494-16

Peabody Planning Board, re: Minutes from July 7, 2016 meeting

Karen Sawyer Conard, Director of Community Development & Planning, re: Housing Development Incentive Program Plan and Zone

One Call Junk Hall, LLC, 56 Pulaski Street, re: Special Permit Application

BLOCK PARTY:

Sheila Glidden, 13 Farnham Ave, August 13, 2016, rain date August 20, 2016

Brenda Ligh, 24 Benevento Circle and Darlene Hodas, 39 Benevento Circle, August 20, 2016; rain date August 21, 2016

Nichole Coppola, 28 Margin Terrace & Kim Mosher, 4 Adams Ave, September 3, 2016; Rain date September 4, 2016

Patrick Brennan, 39 Buttonwood Lane and Brian Crocker 37 Buttonwood Lane, September 10, 2016; rain date September 11, 2016

INNHOLDER LICENSE: (Renewal 2016)

Homewood Suites by Hilton Boston/Peabody, 57 Newbury Street

CLASS 3 MOTOR VEHICLE LICENSE: (Transfer)

Rodolfo Florencio, Peabody Auto Collision, 50 Warren Street, Apt. 535

TAXI/LIMOUSINE DRIVER LICENSE:

Louis Anasoulis, License #27

Robert Ruest, License #28

Shane Kieran, License #29

David Steiger, License #30

Stephen Plunkett, License #31

Howard Bent, License #32

Keith Patterson, License #33

Robert Wells, License #35

Jason Cacciola, License #36

Michael Paciulli, License #37

Jaime Mejia, License #38

JUNK DEALER LICENSE:

One Call Junk Haul, LLC, 56 Pulaski Street

Extras for Creative Reuse, 58 Pulaski Street