

REGULAR MEETING OF THE PEABODY CITY COUNCIL
APRIL 12, 2012

PRESENT: COUNCILLORS: ATHAS, GOULD, SINEWITZ, GARABEDIAN, MANNING-MARTIN, MELLO, GRAVEL, OSBORNE, GAMACHE, DRISCOLL, AND LIACOS

ABSENT: NONE

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, James K. Liacos.

Salute to the American Flag.

P199-12 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of March 22, 2012. (Unanimous)

COUNCILLOR LIACOS - 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.

(MAYOR BETTENCOURT APPEARED BEFORE THE CITY COUNCIL TO INTRODUCE MR. TODD CROCE)

P200-12 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding the appointment of Todd M. Croce, 13 Dana Road, Peabody, MA, as Wiring Inspector. (Carried 11-0)

P201-12 COUNCILLOR SINEWITZ – MOVE TO approve the appointment of Todd M. Croce, 13 Dana Road, Peabody, MA, as Wiring Inspector for a one-year term to expire 12/31/2012. (Carried 11-0)

HEARINGS

A public hearing was duly held on the Zoning Amendment 18 & 18 Mason Street, Assessors Map 95, Parcel 46 from Residential R-4 to Light Industrial I-L. Appearing to speak on behalf of said Zoning Amendment was Mr. Sean Kimball. No one appeared to speak in favor. No one appeared to speak in opposition.

P202-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, late communication Item 1 from Planning Board regarding a zoning recommendation relative to 18 & 18R Mason Street, Assessors Map 95, Parcel 46. (Unanimous)

P203-12 COUNCILLOR ATHAS – BE IT ORDERED by the City Council of the City of Peabody that the Zoning Ordinance of the City of Peabody entitled, "City of Peabody Zoning Ordinance 2011 is hereby amended as follows:

SECTION ONE: BE IT ORDAINED by the City Council of the City of Peabody that the Zoning Map of the City of Peabody entitled, City of Peabody Zoning Map Adopted April 28, 2011," is hereby amended as follows:

By re-designating at 18 & 18R Mason Street, Assessors Map 95, Parcel 46, Peabody, MA from Residential R-4 to Light Industrial I-L.

SECTION TWO: All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE: This ordinance shall take effect as provided by law. (Carried 11-0)

P204-12 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, late communication Item 2 from Attorney Athan Vontzalides on behalf of 116 Main Street, LLC, regarding Request for continuance to Thursday, April 26, 2012. (Unanimous)

A public hearing was duly held on the application from Altair De Oliveira, 17 Sewall Street, Peabody. Appearing to speak on behalf of the application was Mr. Antonio Babo, 39 School Street, Gloucester, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P205-12 COUNCILLOR ATHAS - BE IT ORDERED by the City Council of the City of Peabody that the application from Altair De Oliveira, 17 Sewall Street, Peabody, MA for a Special Permit to allow for the use of an auto body shop at 9 Caller Street, Peabody, MA, as filed in accordance with Section 4.2.5, 6.1 and 15.7 of the Peabody Zoning Ordinance, be approved based on the following reasons and conditions:

REASON: Owing to the fact that the use as approved 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. To maintain all permits and required inspections; and
2. To obtain necessary permits from Fire Department.
(Carried 11-0)

A public hearing was duly held on the application from Jennifer Pitrowski, 282 Washington Street, Peabody, MA. Appearing to speak on behalf of the application was Ms. Jennifer Pitrowski. No one appeared to speak in favor. No one appeared to speak in opposition.

P206-12 COUNCILLOR OSBORNE - BE IT ORDERED by the City Council of the City of Peabody that the application from Jennifer Pitrowski, 282 Washington Street, Peabody, MA for a Special Permit to allow for a barber shop/hair salon at 3 First Avenue, Peabody, MA, as filed in accordance with Section 4.2.5, 6.1 and 15.7 of the Peabody Zoning Ordinance, be approved based on the following reasons:

REASON: Owing to the fact that the use as approved 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 from Brian D. Kelly, Trustee of 151 Andover Street Realty Trust, 155 Andover Street, Danvers, MA. Appearing to speak on behalf of the application was Attorney Athan Vontzalides. Mr. Rick Porter, 7 Reynolds Road, Peabody, MA appeared to speak in favor. No one appeared to speak in opposition.

P207-12 COUNCILLOR GAMACHE - BE IT ORDERED by the City Council of the City of Peabody that the application from Brian D. Kelly, Trustee of 151 Andover Street Realty Trust, 155 Andover Street, Danvers, MA, for a Special Permit to allow for automotive storage of undamaged and operable vehicles at 151 Andover Street, Peabody, MA, as filed in accordance with Section 4.2.5, 6.1 and 15.7 of the Peabody Zoning Ordinance, be approved based on the following reasons and conditions:

REASON: Owing to the fact that the use as approved 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 concerns from the Fire Department response dated March 1, 2012 be addressed;
2. Subject to Police Department approval;
3. No egress/driveway or vehicle access from or on to Loris Road;
4. Outdoor lighting to be turned off at 11:00 p.m. to 8:00 a.m. with the exception of motion detector security lighting;
5. No outdoor paging system;
6. No outdoor music;
7. Provide and maintain landscape shielding for residential abutters;
8. Maintain and clear culvert of debris in and along property;
9. No deliveries from 5:00 p.m. to 8:00 a.m.

10. No dumpster or trash pickup from 9:00 p.m. to 9:00 a.m.; and
 11. No automotive repair work on property.
 (Carried 10-1; Councillor Manning-Martin opposed)

REPORTS OF COMMITTEE

COMMITTEE OF THE WHOLE APRIL 12, 2012

P208-12 COUNCILLOR LIACOS – Reporting for the Committee of the Whole – The Committee of the Whole met at 6:30 this evening in the Frank L. Wiggin Auditorium. AECOM and Green International Affiliates were present, along with His Honor the Mayor Edward Bettencourt, and Karen Sawyer from Community Development. They gave us an overview and an update of the redesigning of Peabody Square. There were some time lines involved and traffic patterns. I would enter this as a report of progress. (Report received)

MOTIONS, ORDERS & RESOLUTIONS

P209-12 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department make a priority the repainting of the crosswalks on Main Street and Lowell Street from Central Street to Crowninshield Street. (Unanimous)

P210-12 COUNCILLOR ATHAS – MOVE TO request that the Public Services Department make a priority of the repainting of the crosswalks at Central Street and Walnut Street. (Unanimous)

P211-12 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-D communication from Stephen Judge, 682 Lowell Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P212-12 COUNCILLOR SINEWITZ - MOVE TO request that the proper ordinance be advertised for no parking at 167 Russell Street and across the street from the last residential home to the Middleton line. Request a copy of this motion be sent to the Police Department with regards to the the entrance to the bike path. The neighbors are having major issues with people parking on sidewalks, up on the grass and all over the place. (Unanimous)

P213-12 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-C communication from Chief Robert Champagne, Police Department, regarding Transfer of low power radio and to refer to the Municipal Safety Committee. (Unanimous)

P214-12 COUNCILLOR OSBORNE (Tri-motion with Councillor Gamache and Councillor Driscoll) – MOVE TO receive and approve, under suspension of the rules, Item 8-E communication from Progeria Foundation, 2 Bourbon Street, regarding Banner, subject to all papers being in order. (Unanimous)

P215-12 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 9-A Entertainment License – Vignalli, LLC, d/b/a Stonewood Tavern, 139 Lynnfield Street, and to set up a public hearing. (Unanimous)

P216-12 COUNCILLOR GAMACHE - MOVE TO request that the City Solicitor provide the City Council with a legal opinion regarding the recent decision concerning the City of Boston versus Comcast. The City of Boston has prevailed in the issue with the FCC concerning Comcast having what they consider a monopoly of the lines throughout the City of Boston and the FCC has given the City of Boston the ability to set their own rates for basic cable. (Unanimous)

P217-12 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of funds – Cemetery Interest Income to Cemetery Capital \$61,000.00 and to refer to the Finance Committee. (Unanimous)

P218-12 COUNCILLOR GAMACHE – MOVE, under suspension of the rules, to receive Item 7-C communication from His Honor the Mayor regarding correction to the expiration date for the appointment of Adam J. Buckley as Assistant City Solicitor. (Unanimous)

P219-12 COUNCILLOR GAMACHE – MOVE THAT the term of expiration for Adam J. Buckley, Assistant City Solicitor, appointed on March 22, 2012 be corrected for a term to expire on December 31, 2013. (Unanimous)

P220-12 COUNCILLOR DRISCOLL - MOVE TO request a legal opinion from the City Solicitor if the Special Permit application relative to 6 Charles Street scheduled for public hearing on April 26th is properly before the City Council. The matter was originally presented to the Board of Appeals and subsequently withdrawn without prejudice. (Unanimous)

P221-12 COUNCILLOR LIACOS – MOVE TO appoint Councillor Gould and Councillor Sinewitz to the Community Preservation Committee and Councillor Athas and Councillor Gravel as Alternates to the Community Preservation Committee. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P222-12 COUNCILLOR GAMACHE – MOVE TO receive a communication from Chief Robert Champagne, Police Department, regarding Annual report 2011. (Unanimous)

P223-12 COUNCILLOR GAMACHE – MOVE TO receive a communication from American Red Cross, Beverly, MA, regarding Letter of thanks. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

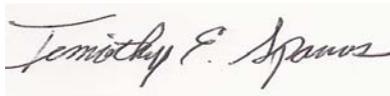
Previously received.

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:30 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, APRIL 19, 2012
RETURNED BY HIS HONOR THE MAYOR, APRIL 19, 2012



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

- His Honor the Mayor re: Transfer of funds – Cemetery Interest Income to Cemetery Capital \$61,000.00
- His Honor the Mayor re: Appointment of Wiring Inspector Todd M. Croce, 13 Dana Road
- His Honor the Mayor re: Correction expiration date for Adam J. Buckley appointment
- Timothy Spanos, City Clerk re: Council membership on Community Preservation Committee
- Chief Robert Champagne, Police Department re: Annual report 2011
- Chief Robert Champagne, Police Department re: Transfer of low power radio
- Stephen Judge, 682 Lowell Street re: Special Permit application
- Progeria Foundation, 2 Bourbon Street re: Banner
- American Red Cross, Beverly, MA re: Letter of thanks
- Planning Board re: 18 & 18R Mason Street, Assessors Map 95, Parcel 46
- Attorney Athan Vontzalides on behalf of 116 Main Street, LLC, re: Request for continuance

ENTERTAINMENT LICENSE

Vignalli, LLC d/b/a Stonewood Tavern, 139 Lynnfield Street