

**REGULAR MEETING OF THE PEABODY CITY COUNCIL**  
**MAY 5, 2016**

PRESENT: COUNCILLORS: MOUTSOULAS, SINEWITZ, WALSH, MANNING-MARTIN, CHAREST, TURCO, GRAVEL, GARABEDIAN, GOULD, AND MCGINN

ABSENT: COUNCILLOR SASLAW

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.

P269-16 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of April 7, 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.

P270-16 COUNCILLOR CHAREST - MOVE TO receive the Veto Message from His Honor the Mayor regarding Motion P191-16, **Special Permit approval, Onyx Renewable Energy, 201 Warren Street Extension**, and be referred to the next regularly scheduled City Council meeting on Thursday, May 12, 2016, in accordance with Section 9 of the City Charter. (Carried 10-0; Councillor Saslaw absent)

**HEARINGS**

A public hearing was duly held on the Junk Dealers License application from Used Book Superstore Series, LLC, 150 Newbury Street, Peabody, MA. Mr. Robert Ticehurst appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P271-16 COUNCILLOR SINEWITZ – MOVE TO approve the Junk Dealers License application from Used Book Superstore Series, LLC, 150 Newbury Street, Peabody, MA, subject to all papers being in order. (Carried 10-0; Councillor Saslaw absent)

A public hearing was duly held on the Special Permit application from Eva's Pastries, Inc., 2 Newton Street, Belmont, MA. Mr. Danny Garcia appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P272-16 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that the application from Eva's Pastries, Inc., 3 Newton Street, Belmont, MA, for a Special Permit to operate a bakery for wholesale and retail at 139 Lynnfield 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 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) Retail hours of operation shall be 7:00 a.m. to 10:00 p.m.; Monday through Sunday;
- 2) Wholesale hours of operation shall be 10:00 p.m. to 5:00 a.m.; Monday through Sunday;
- 3) No commercial vehicles over 2.5 tons shall make deliveries between the hours of 10:00 p.m. and 7:00 a.m.;
- 4) A food permit shall be required from the Peabody Health Department for the retail business, and from the State Health Department for the wholesale business. Also a plan review must be completed with the Peabody Health Department prior to beginning of any renovations; and
- 5) Commercial equipment to be installed in accordance with NFPA 96.

(Carried 10-0, Councillor Saslaw absent)

A public hearing was duly held on the Special Permit application from Maria Torres, 79 Aborn Street, Peabody, MA. No one appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P273-16 COUNCILLOR MCGINN – MOVE TO recess the public hearing on the Special Permit application from Maria Torres for 10 Lowell Street, Peabody, MA, until the Regular Meeting on Thursday, May 12, 2016. (Carried 10-0; Councillor Saslaw absent)

A public hearing was duly held on the Special Permit application from Dennis Feld & Reeda Michelle Feld, 49 Warren Street, Peabody, MA. Attorney John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P274-16 COUNCILLOR MOUTSOULAS – MOVE TO recess the public hearing on the Special Permit application from Dennis Feld & Reeda Michelle Feld, 49 Warren Street, Peabody, MA, until the Regular Meeting on Thursday, June 9, 2016. (Carried 10-0; Councillor Saslaw absent)

A public hearing was duly held on the Special Permit application James Kaloutas, 11 Railroad Avenue, Peabody, MA. Attorney John Keilty, Mr. James Kaloutas, and Mr. Zach Millay appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P275-16 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Schematic Design Drawing Package, Kaloutas Commercial, 34 Railroad Avenue, Peabody, dated April 8th, 2016. (Unanimous)

P276-16 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Rendering of Proposed 34 Railroad Avenue Front Elevation, Proposed 34 Railroad Avenue Rear Elevation. (Unanimous)

P277-16 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from James Kaloutas, 11 Railroad Avenue, Peabody, MA, for a Special Permit to construct a multifamily use of three (3) upper floors of residential addition to the existing building at 34 Railroad Avenue, Peabody, MA, with commercial use on the first floor as a restaurant, 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 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 shall be a maximum total of fifteen (15) dwelling units in the upper three floors in single structure on the lot. There shall be no dwelling units on the first level of the structure which shall be utilized for a restaurant use. The development shall be in accordance with the schematic design and site plan entitled Kaloutas Commercial, 34 Railroad Avenue, Peabody, MA dated April 8, 2016, as presented and received at the special permit hearing;
- 2) Except as required by the provisions of the inclusionary zoning requirements of the zoning ordinance of the City of Peabody, the developer shall make reasonable commercial effort to maintain all remaining dwelling units as market-rate condominiums or apartments;
- 3) Residential parking shall be as per the submitted site development permit plan, however, should zoning change at a time prior to the transfer of the special permit where such change allows for residential parking permits in municipal parking spaces, parking shall comply with then in effect parking requirements;

- 4) All exterior renovations and additions to the structure and any sign for the commercial use in the structure shall comply with the zoning ordinance of the City of Peabody and shall be carried out in a manner consistent with City of Peabody's Downtown Design Standards for the Main Street Subdistrict. No sign for the commercial use shall be placed on the structure where visible from the adjacent park;
  - 5) No apparatus, including, but not limited to, antennas or satellite receiving devices, shall be placed on any roof or any façade of the structure where visible from adjacent streets or parks;
  - 6) No window air-conditioners or similar apparatus shall be installed in the windows of the structure;
  - 7) In cases of snow accumulation events of greater than two inches, no snow storage is permitted on site and all snow must be removed to an acceptable location;
  - 8) All trash and recycling materials shall be fully contained within a sight-impervious fence such that such materials are adequately screened from adjacent streets and parks;
  - 9) Trash and recycling materials shall be removed by a private trash removal service at a frequency adequate to prevent excessive accumulations of such material from residential and commercial uses and no municipal trash pickup shall be provided. For the avoidance of doubt, trash collection shall be in accordance with the ordinances of the City of Peabody and no trash or refuse or recycling collections shall occur between the hours of 7:00 p.m. and 7:00 a.m. of any day of the week;
  - 10) No pickup or delivery of supplies associated with the commercial use in the structure and utilizing trucks shall occur between the hours of 6:00 p.m. and 7:00 a.m. of any day of the week and any trucks carrying out any such pickup or delivery activities shall utilize a dedicated on-site loading area directly adjacent to the easterly side of the structure;
  - 11) Landscaping shall be established and maintained in accordance with the submitted site development permit plan;
  - 12) In accordance with the special permit application, construction hours of operation shall be from 7:00 a.m. to 6:00 p.m. Monday through Saturday;
  - 13) Food establishment plan review application must be submitted to the Peabody Health Department prior to the start of construction;
  - 14) Fire warning and protection systems shall be reviewed and approved by the Fire Prevention office/bureau as per CMR 780 8th Edition;
  - 15) The project shall be subject to site plan review and approved by the Construction Review Committee and Planning Board in accordance with the provisions of Section 12 and Section 5 of the City of Peabody Zoning Ordinance;
  - 16) At the time of special permit transfer request, the party requesting receipt of the special permit shall attend the City Council meeting where such transfer is considered to address any questions the City Council may have at that time; and
  - 17) Alleged violations of special permit conditions may result in a show cause hearing at the City Council.
- (Carried 10-0; Councillor Saslaw absent)

### **REPORTS OF COMMITTEE**

**COMMITTEE OF THE WHOLE  
APRIL 21, 2016**

P278-16 COUNCILLOR MCGINN – Reporting for the Committee of the Whole - The Committee of the Whole met on April 21, 2016; the Committee members present were Councillor Sinewitz, Councillor Walsh, Councillor Charest, Councillor Turco, Councillor Gravel, Councillor Gould and Councillor McGinn. The Committee met to review the 2015 Annual Report submitted by Aggregate Industries. Representing Aggregate Industries were Mr. Rob Robinson, operations manager; Ms. Lisa Young, director of engineering; and Ms. Jennifer Levine, engineering compliance manager. The Committee reviewed the report with Aggregate Industries. Councillor Sinewitz cited some neighborhood concerns with regard to activities at the quarry in 2015. The matter was held in committee pending a site visit within two weeks with Committee members, the Department of Health, and the Conservation Commission. The site visit is scheduled for May 12th at 5:30 p.m. (Report received)

P279-16 COUNCILLOR MCGINN – Reporting for the Committee of the Whole - MOVE THAT a site visit be scheduled within two weeks at Aggregate Industries, 55 Russell Street, with the Committee members, the Health Department, and the Conservation Commission. (Unanimous)

### **MOTIONS, ORDERS AND RESOLUTIONS**

P280-16 COUNCILLOR SINEWITZ – MOVE TO request that the Peabody Municipal Light Plant trim the tree at 2 Roosevelt Avenue that is growing into the light pole. (Unanimous)

P281-16 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department install a berm at the corner of 681 Lowell Street and Roosevelt Avenue. (Unanimous)

P282-16 COUNCILLOR SINEWITZ – MOVE TO request that the Public Services Department repair the sidewalk at 3 Cyrus Circle. (Unanimous)

P283-16 COUNCILLOR SINEWITZ – MOVE to refer to the Legal Affairs Committee the issue of the restrictions on the home-rule petition liquor licenses and to request that the Community Development Department attend with an explanation for the \$5,000 fee. (Unanimous)

P284-16 COUNCILLOR WALSH – MOVE to refer to the Municipal Safety Committee the issue of purchasing pole-mounted electronic radar speed signs. (Unanimous)

P285-16 COUNCILLOR MOUTSOULAS – MOVE TO request that the Public Services Department install "No Turn on Red" signs at the corner of Wallis Street and Tremont Street also at the corner of Northend Street and Tremont Street. (Unanimous)

P286-16 COUNCILLOR TURCO – MOVE TO request that the Public Services Department repaint the crosswalks at the South School, the Brown School, the crosswalks that cross over to the South Peabody trail at Lynn Street and County Street, as well as the crosswalk at Brown's Pond on Lynn Street. (Unanimous)

P287-16 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer funds – Cemetery Capital; \$54,700.00 and to refer to the Finance Committee. (Unanimous)

P288-16 COUNCILLOR GRAVEL – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Transfer funds – City Clerk's Copy Machine; \$20,000.00 and to refer to the Finance Committee. (Unanimous)

(COUNCILLOR GRAVEL REMINDED THE CITY COUNCIL OF THE GEORGE PEABODY LEGACY AWARDS CEREMONY SCHEDULED FOR MAY 19, 2016, AT 6:00 P.M.)

P289-16 COUNCILLOR GARABEDIAN – MOVE TO request that the Public Services Department repair the curbing at 19 Worcester Road. (Unanimous)

P290-16 COUNCILLOR SINEWITZ (Co-Motion with Councillor McGinn) – MOVE TO investigate the feasibility of moving the Revolutionary War Monument located at the Northshore Mall to 2 Washington Street, and that the matter be referred to the Human Services Committee and that the Veterans Agent be invited to attend. (Unanimous)

P291-16 COUNCILLOR MANNING-MARTIN – MOVE TO investigate the feasibility of moving the Women's Veterans Monument located in front of City Hall over to the adjacent area where all other veterans are recognized, and that the matter be referred to the Human Services Committee and that the Veterans Agent be invited to attend. (Unanimous)

### **COMMUNICATIONS FROM HIS HONOR THE MAYOR**

Previously received.

### **COMMUNICATIONS FROM CITY OFFICERS AND OTHERS**

P292-16 COUNCILLOR MANNING-MARTIN – MOVE TO receive a communication from Chief Thomas Griffin, Police Department, regarding Response to motion P157-16. (Unanimous)

P293-16 COUNCILLOR WALSH – MOVE TO receive a communication from David Terenzoni, Acting Director of Public Services, regarding Council motion P167-16. (Unanimous)

P294-16 COUNCILLOR SINEWITZ – MOVE to receive and approve a communication from Honorable Few Marine Corps League, Peabody, MA, regarding Banner, subject to all papers being in order. (Unanimous)

P295-16 COUNCILLOR TURCO – MOVE TO receive a communication from Detective Michael Crane, Police Department, regarding Class 2 License Violation – Elite Motor Cars, 93 Lynn Street, and set up a show cause hearing. (Unanimous)

P296-16 COUNCILLOR TURCO – MOVE TO receive a communication from Farhad & Farid, Inc., 139 Lynnfield Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P297-16 COUNCILLOR GRAVEL – MOVE TO receive a communication from Salem Country Club, 133 Forest Street, regarding Special Event application and to refer to the public hearing. (Unanimous)

P298-16 COUNCILLOR MANNING-MARTIN – MOVE TO receive a communication from David D'Arcangelo, Director Office of Disability, regarding Establishing your commission on disability and to refer to the Legal Affairs Committee. (Unanimous)

P299-16 COUNCILLOR MOUTSOULAS – MOVE TO receive a communication from DMC Auto Detail, Inc., 25 Upton Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P300-16 COUNCILLOR TURCO – MOVE TO receive a communication from Jermaine Anderson, 147 Summit Street, Unit 6, regarding Special Permit application and to set up a public hearing. (Unanimous)

P301-16 COUNCILLOR MANNING-MARTIN – MOVE TO receive Class 2 Motor Vehicle License (Transfer) Detour Cars, LLC, 154 Newbury Street (A), and to set up a public hearing on Thursday, June 9, 2016. (Unanimous)

P302-16 COUNCILLOR GOULD – MOVE TO receive the communication from Albert Talarico, Building Commissioner, submitting the transfer of Special Permit 31-2001 to Thalia Shomos d/b/a Meals by Litsa, 5 Bourbon Street, and to approve said transfer subject to all papers being in order. (Unanimous)

P303-16 COUNCILLOR GRAVEL – MOVE to receive and approve a communication from Peabody Centennial Committee regarding Special Event application, subject to all papers being in order. (Unanimous)

### **PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P304-16 COUNCILLOR SINEWITZ – MOVE TO request that Precision Estate Sales, LLC, 26 Howley Street, appear before the City Council regarding the renewal of their 2016 Junk Dealer License. (Unanimous)

P305-16 COUNCILLOR GRAVEL – MOVE TO receive and approve the following Junk Dealer License (Renewal for 2016), subject to all papers being in order:

Martoni & James, 215 Newbury Street #206  
Charland Appliance Center, 15 Spring Street  
Long’s Jewelers, 35 Cross Street  
A1 Restaurant Equipment, 119 Foster Street  
Brotherhood of Divine Holy Ghost, Inc., 20 Howley Street  
(Unanimous)

P306-16 COUNCILLOR GOULD – MOVE TO receive and approve the following Entertainment License (Renewal for 2016), subject to all papers being in order:

VFW Fidelity Post #1011, 20 Stevens Street  
31 Lynnfield Corp (Wardhurst), 31 Lynnfield Street  
(Unanimous)

P307-16 COUNCILLOR GARABEDIAN – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

John Moschetto-License #96  
Christopher Crane-License #97  
(Unanimous)

P308-16 COUNCILLOR TURCO – MOVE TO receive and approve the following Block Party, subject to all papers being in order:

4&5 West Diane Road; 7&8 West Diane Road; 1&2 Waselchuk Drive-July 4, 2016  
3 to 7 Columbus Road  
(Unanimous)

P309-16 COUNCILLOR GRAVEL – MOVE TO receive and approve Utility Contractor License – Nardone, Inc., 45 Outlook Road, Wakefield, MA, subject to all papers being in order. (Unanimous)

P310-16 COUNCILLOR GARABEDIAN – MOVE TO receive and approve Use of the Wiggin Auditorium – Dance with Dena, 59 Main Street, for May 11, 2016, subject to all papers being in order. (Unanimous)

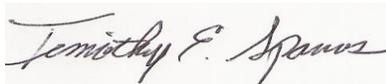
**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

{10-A – 45 Washington Street and 1 Krochmal Road}

P311-16 COUNCILLOR TURCO – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-81 Entitled “Parking Prohibited Handicap Zone” of the Code of the City of Peabody be adopted as advertised and read. (Carried 10-0; Councillor Saslaw absent)

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:50 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MAY 11, 2016  
RETURNED BY HIS HONOR THE MAYOR, MAY 11, 2016

ATTEST   
(Timothy E. Spanos, City Clerk)

**COMMUNICATIONS:**

His Honor the Mayor re: Veto message-special permit; Onyx Renewable Partners, 201 Warren Street Extension.

His Honor the Mayor re: Transfer funds-Commentary Capital; \$54,700.00

His Honor the Mayor re: Transfer funds-City Clerks Copy Machine; 20,000.00

Chief Thomas Griffin, Police Department re: Response to motion P157-16

David Terenzoni, Acting Director of Public Services re: Council motion P167-16

Honorable Few Marine Corps League, Peabody, MA re: Banner

Detective Michael Crane, Police Department re: Class II License Violation-Elite Motor Cars, 93 Lynn Street

Farhad & Farid, Inc., 139 Lynnfield Street re: Special Permit application

Salem Country Club, 133 Forest Street, re: Special Event application

David D'Arcangelo, Director Office of Disability, re: Establishing your commission on disability.

DMC Auto Detail Inc., 25 Upton Street, re: Special Permit application.

Jermaine Anderson, 147 Summit Street Unit 6, re: Special Permit application

Albert Talarico, Building Commissioner re: Special Permit transfer Meals by Litsa, 5 Bourbon Street

Peabody Centennial Committee re: Special Event application

**JUNK DEALER LICENSE:** (Renewal for 2016)

Precision Estate Sales, LLC, 26 Howley Street

Martoni & James, 215 Newbury Street #206

Charland Appliance Center, 15 Spring Street

Long's Jewelers, 35 Cross Street

A1 Restaurant Equipment, 119 Foster Street

Brotherhood of Devine Holy Ghost, Inc., 20 Howley Street

**ENTERTAINMENT LICENSE:** (Renewal for 2016)

VFW Fidelity Post #1011, 20 Stevens Street

31 Lynnfield Corp (Wardhurst), 31 Lynnfield Street

**TAXI/LIMOUSINE DRIVER LICENSE:**

John Moschetto-License #96

Christopher Crane-License #97

**BLOCK PARTY:**

4&5 West Diane Road; 7&8 West Diane Road; 1&2 Waselchuk Drive-July 4, 2016

3 to 7 Columbus Road

**CLASS 2 MOTOR VEHICLE LICENSE:** (Transfer)

Detour Cars, LLC, 154 Newbury Street (A)

**UTILITY CONTRACTOR LICENSE:**

Nardone, Inc., 45 Outlook Road, Wakefield, MA

**USE OF THE WIGGIN AUDITORIUM:**

Dance with Dena, 59 Main Street for May 11, 2016