

REGULAR MEETING OF THE PEABODY CITY COUNCIL
AUGUST 28, 2014

PRESENT: COUNCILLORS: MCGINN, MANNING-MARTIN, GRAVEL, WALSH, OSBORNE, SINEWITZ, SASLAW, GARABEDIAN, MOUTSOULAS, AND DRISCOLL

ABSENT: COUNCILLORS: GOULD

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Robert E. Driscoll.

Salute to the American Flag.

P592-14 COUNCILLOR GRAVEL - MOVE TO receive and approve the minutes from the last regular meeting of July 10, 2014. (Unanimous)

COUNCILLOR DRISCOLL - 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

A public hearing was duly held on the application from Luso American Credit Union, 37 Tremont Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney Athan Vontzalides. Ms. Georgianna Melendez, 56 Rear Holten Street, Peabody, MA, appeared to speak in favor. No one appeared to speak in opposition.

P593-14 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from Luso American Credit Union, 37 Tremont Street, Peabody, MA, for a Special Permit to use a portion of the premises as a credit union/financial institution at 79 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:

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 10-0, Councillor Gould absent)

A public hearing was duly held on the application from 120 Foster Street, LLC, 20C Delcarmine Street, Wakefield, MA. Appearing to speak on behalf of the application was Attorney James Burke. No one appeared to speak in favor. No one appeared to speak in opposition.

P594-14 COUNCILLOR MCGINN - MOVE TO recess the public hearing on the application from 120 Foster Street, LLC, 20C Delcarmine Street, Wakefield, MA, until the regular meeting on Thursday, September 11, 2014, which will give the petitioner additional opportunity to pursue private parking options . (Carried 10-0; Councillor Gould absent)

A public hearing was duly held on the application from Mark F. & Vanessa Cone, 8 Hardy Street, Beverly, MA. Appearing to speak on behalf of the application was Mr. Mark Cone and Ms. Vanessa Cone. Mr. Ron Dobrosielski, 202 Center Street, Danvers, MA; Mr. Frank Pegnato, 25 Buchanan Road, Salem, MA; Ms. Kathy Walsh, 174 Lowell Street, Peabody, MA; Mr. Greg Burns, 25 North Avenue, Plaistow, NH; Ms. Lisa Burns, 25 North Avenue, Plaistow, NH; Mr. Chris Dowling, 35 Martinack Ave., Peabody, MA; Ms. Georgianna Melendez, 56 Rear Holten Street, Peabody, MA; Mr. Dave Parris, 15 Spring Street, Peabody, MA; Ms. Elizabeth Armstrong, 28 Johnson Ave., Peabody, MA; Ms. Kateri McCarthy, 22 Golden Hills Road, Saugus, MA; Ms. Barbra Copp, 4 Palmer Ave., Peabody, MA; Mr. Mark DiFelice, 3 Hampshire Road, Peabody, MA; Mr. Brian Mehelis, 15 Spring Street, Peabody, MA; and Ms. Virginia Burke, 8 Wedgemere Road, Beverly, MA, appeared to speak in favor. Mr. Scott Kelley, 7 Mount Pleasant Drive, Peabody, MA; Mr. Jim Prochilo, 9 Mount Pleasant Drive, Peabody, MA; Ms. Camilla Henry, 2 Richartson Road, Peabody, MA; Mr. Joseph Giuliani, 1111 South Willow Street, Manchester, NH; Mr. Pete Haponenko, 6 Mount Pleasant Drive, Peabody, MA; Ms. Winifred Yale, 5 Mount Pleasant Drive, Peabody, MA; and Ms. Nancy Jenkins, 8 Mount Pleasant Drive, Peabody, MA, appeared to speak in opposition.

P595-14 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, a communication submitted by Ms. Camilla Henry, 2 Richartson Road, Peabody, MA, regarding Petition to Special Permit for 2 Mount Pleasant Drive from Neighbors of Mount Pleasant Drive and Richartson Road. (Unanimous)

P596-14 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, a late communication from Conservation Commission regarding Application for kennel license/dog care business at Map 29, Lot 22 – 2 Mount Pleasant Drive. (Unanimous)

P597-14 COUNCILLOR DRISCOLL - MOVE TO recess the public hearing on the application from Mark F. & Vanessa Cone, 8 Hardy Street, Beverly, MA, until the regular meeting on Thursday, September 25, 2014, and to request that the City Solicitor provide a legal opinion regarding the residential use. (Unanimous)

P598-14 COUNCILLOR SASLAW - MOVE TO continue the public hearing on the application from Michael Weiss, 0 Forest Street, Peabody, MA, until the regular meeting on Thursday, September 25, 2014. (Unanimous)

P599-14 COUNCILLOR SASLAW - MOVE TO continue the public hearing on the application from Outdoor Ad Concepts, LLC, 41 Newbury Street, Peabody, MA, until the regular meeting on Thursday, September 25, 2014. (Unanimous)

P600-14 COUNCILLOR SASLAW - MOVE TO continue the public hearing on the application from Total Outdoor Corp., 252 Forest Street, Peabody, MA, until the regular meeting on Thursday, September 25, 2014. (Unanimous)

P601-14 COUNCILLOR SASLAW - MOVE TO continue the public hearing on the application from Lamar Outdoor Advertising, 17 Farm Avenue, Peabody, MA, until the regular meeting on Thursday, October 23, 2014. (Unanimous)

REPORTS OF COMMITTEE

None.

MOTIONS, ORDERS & RESOLUTIONS

P602-14 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 8-C communication from St. John the Baptist Church, 17 Chestnut Street, regarding Banner, subject to all papers being in order. (Unanimous)

P603-14 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department install a "No dumping" sign at the entrance to Birch Street on the left in front of number 2. (Unanimous)

P604-14 COUNCILLOR SINEWITZ - MOVE TO request that the Parks, Recreation and Forestry Department clean up the site at the entrance to Birch Street. (Unanimous)

P605-14 COUNCILLOR SINEWITZ - MOVE TO request that the Fire Department provide to the City Council a memo regarding what hazardous and flammable chemicals are allowed in a residential zone and what the limits are. (Unanimous)

P606-14 COUNCILLOR SINEWITZ - MOVE TO request that the Building Inspector inform the City Council whether they approved transferring a static sign to a digital sign at the Hess Station at 229 Newbury Street and if so the reasoning behind it. (Carried 8-0; Councillor Manning-Martin, Councillor Gould, and Councillor Garabedian absent)

P607-14 COUNCILLOR SINEWITZ - MOVE TO request that the Building Inspector inform the City Council whether they approved transferring a static sign to a digital sign at 258 Newbury Street and if so the reasoning behind it. (Carried 8-0; Councillor Manning-Martin, Councillor Gould, and Councillor Garabedian absent)

P608-14 COUNCILLOR SINEWITZ - MOVE TO send a communication to the Mass. Outdoor Advertising Commission that the Peabody City Council does not support the billboard at 258 Newbury Street because there's been no new Special Permit granted by the City of Peabody. (Unanimous)

P609-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-B communication from Ion the Ball, LLC, for 0 Jubilee Drive regarding Notice to City regarding billboard. (Unanimous)

P610-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-C communication from Mass. Outdoor Advertising Board regarding Notice of hearing regarding billboard applications for 108 Newbury Street and 258 Newbury Street. (Unanimous)

P611-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-D communication from Paul Kolodziej, Building Commissioner, regarding Billboard applications to state for 108 and 258 Newbury Street; to refer to the Legal Affairs Committee; and to request that the Building Inspector attend said meeting. (Unanimous)

P612-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-H communication from Lucia DelNegro, Conservation Commission, regarding 0 Forest Street billboard. (Unanimous)

P613-14 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 8-I communication from Gary Sandler c/o Wendy's Old Fashioned Hamburgers, 71 Newbury Street, regarding Special Permit application and to set up a public hearing. (Unanimous)

P614-14 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-L communication from Paul Kolodziej, Building Commissioner, regarding Transfer of Special Permit 32-2004 to Sean Robert Morrison; 285 Newbury Street. (Unanimous)

P615-14 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, Item 8-M communication from Paul Kolodziej, Building Commissioner, regarding Transfer of Special Permit 4-1981 to Jennifer Jennings; 484 Lowell Street. (Unanimous)

P616-14 COUNCILLOR SASLAW – MOVE TO receive and approve, under suspension of the rules, the following Item 9-B Block Party, subject to all papers being in order:

Winnegance Avenue on August 31st
 14 to 26 Evans Road on August 31st
 45 to 33 Benevento Circle on September 13th
 (Unanimous)

P617-14 COUNCILLOR MOUTSOULAS – MOVE TO receive and approve, under suspension of the rules, Item 8-F communication from Vasilios Stephanides c/o the St. Val's Men's Club, 5 Paleologos Street, regarding Request for carnival permit at St. Val's Church; 9/18 through 9/21, subject to all papers being in order. (Unanimous)

P618-14 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-O communication from Lt. Scott Richards, Peabody Police Department, regarding Proposed parking ordinance for Wallis Street and to refer to the Municipal Safety Committee. (Unanimous)

P619-14 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-R communication from Pediatric Associates of Greater Salem, Inc., 84 Highland Avenue, Salem, regarding Special Permit application for 151-155 Andover Street and 1 Loris Road and to set up a public hearing. (Unanimous)

P620-14 COUNCILLOR SINEWITZ – MOVE TO request that the Community Development Department initiate the installation of a flag pole to be erected at the new turf field at Peabody Veterans Memorial High School. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

None.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P621-14 COUNCILLOR GRAVEL – MOVE TO receive a communication from Lucia DelNegro, Conservation Commission, regarding Town Line Acres conservation easement. (Unanimous)

P622-14 COUNCILLOR WALSH – MOVE TO receive a communication from William A. Coffin, 26 Grant Street, Beverly, regarding Denial of Taxi Driver License and to refer to the Committee of the Whole. (Unanimous)

P623-14 COUNCILLOR GRAVEL – MOVE TO receive a communication from Chief Thomas Griffin, Police Department, regarding Letter of thanks. (Unanimous)

P624-14 COUNCILLOR GRAVEL – MOVE TO receive a communication from Christopher Rollins and Robert Rollins, Jr., 250A Lynnfield Street, regarding Request to purchase city-owned land and to refer to the Legal Affairs Committee. (Unanimous)

P625-14 COUNCILLOR GRAVEL – MOVE TO receive a communication from Harriet Finnegan and Eileen Finnegan, 258 Lynn Street, regarding Request for zoning map amendment; 272 Lynn Street from R-1A to BN and to refer to the Planning Board to begin the zoning process under Chapter 40A of the Massachusetts General Laws. (Unanimous)

P626-14 COUNCILLOR GRAVEL – MOVE TO receive a communication from Robert Langley, Director, Public Services Department, regarding Completed motions. (Unanimous)

P627-14 COUNCILLOR GRAVEL – MOVE TO receive a communication from Jason Panos, Chairman, Board of Appeals, regarding Notice of decisions. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P628-14 COUNCILLOR GRAVEL – MOVE TO receive and approve Use of the Wiggin Auditorium – Chamber of Commerce and Salem News on October 16, 2014, subject to all papers being in order. (Unanimous)

P629-14 COUNCILLOR GRAVEL – MOVE TO receive Junk Dealers License (New) Redemption Antiques, LLC, 58 Rear Pulaski Street, and set up a public hearing. (Unanimous)

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 11:40 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, SEPTEMBER 5, 2014
RETURNED BY HIS HONOR THE MAYOR, SEPTEMBER 5, 2014



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

Lucia DelNegro, Conservation Commission re: Town Line Acres conservation easement

Ion the Ball, LLC for 0 Jubilee Drive re: Notice to City regarding billboard

Mass Outdoor Advertising Board re: Notice of hearing regarding billboard applications for 108 Newbury Street and 258 Newbury Street

Paul Kolodziej, Building Commissioner re: Billboard applications to state for 108 and 258 Newbury Street

St. John the Baptist Church, 17 Chestnut Street re: Banner

Vasilios Stephanides c/o the St. Val's Men's Club, 5 Paleologos Street re: Request for carnival permit at St. Val's Church; 9/18 thru 9/21

William A. Coffin, 26 Grant Street, Beverly re: Denial of Taxi Driver's License

Lucia DelNegro, Conservation Commission re: 0 Forest Street billboard

Gary Sandler c/o Wendy's Old Fashioned Hamburgers, 71 Newbury Street re: Special permit application

Chief Thomas Griffin, Police Department re: Letter of thanks

Christopher Rollins and Robert Rollins, Jr., 250A Lynnfield Street re: Request to purchase city owned land

Paul Kolodziej, Building Commissioner re: Transfer of Special Permit 32-2004 to Sean Robert Morrison; 285 Newbury Street

Paul Kolodziej, Building Commissioner re: Transfer of Special Permit 4-1981 to Jennifer Jennings, 484 Lowell Street

Harriet Finnegan and Eileen Finnegan, 258 Lynn Street re: Request for zoning map amendment; 272 Lynn Street from R-1A to B-N

Lt. Scott Richards, Peabody Police Department re: Proposed parking ordinance for Wallis Street

Robert Langle, Director, Public Services Department re: Completed motions

Jason Panos, Chairman, Board of Appeals re: Notice of decisions

Pediatric Associates of Greater Salem, Inc., 84 Highland Avenue, Salem re: Special Permit application for 151-155 Andover Street and 1 Loris Road

USE OF THE WIGGIN AUDITORIUM:

Chamber of Commerce and Salem News on October 8, 2014

BLOCK PARTY:

Winnegance Avenue on August 31st

14 to 26 Evans Road on August 31st

45 to 33 Benevento Circle on September 13th

JUNK DEALERS LICENSE: (New)

Redemption Antiques, LLC, 58 Rear Pulaski Street