

REGULAR MEETING OF THE PEABODY CITY COUNCIL
NOVEMBER 27, 2007

PRESENT: COUNCILLORS: GARABEDIAN, MURTAGH, BETTENCOURT, SELESNICK, DRISCOLL, OSBORNE, GAMACHE, ATHAS, LIACOS, ZELLEN AND MELLO

ABSENT: NONE

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

Salute to the American Flag.

P1119-07 COUNCILLOR GAMACHE – MOVE TO receive and approve the minutes from the last regular meeting of November 15, 2007. (Unanimous)

P1120-07 COUNCILLOR MURTAGH - MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Appointment - Kevin Goggin, Building Inspector. (Unanimous)

P1121-07 COUNCILLOR MURTAGH - MOVE TO approve the appointment of Kevin Goggin, 35 Sutton Street, Peabody, MA as Building Inspector for a one-year term to expire December 31, 2007 filling the unexpired term of Ralph Gandolfo. (Carried 11-0)

HEARINGS

A public hearing was duly held on the Special Permit application from Kevin J. & Laurel J. Mullen, 16A Bristol Road, Peabody, MA. Appearing to speak on behalf of said application was Mr. Kevin J. Mullen, 569 Lowell Street, Peabody, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P1122-07 COUNCILLOR ZELLEN - MOVE TO receive, under suspension of the rules, Item 8-H communication from Christopher & Linda Mello, 11 Bristol Road, regarding Letter in favor of Special Permit, 16A Bristol Road. (Unanimous)

P1123-07 COUNCILLOR ZELLEN – BE IT ORDERED by the City Council of the City of Peabody that the application from Kevin J. & Laurel J. Mullen, 569 Lowell Street, Peabody, MA for a Special Permit to allow for a family accessory living area at 16A Bristol Road, as filed in accordance with Section 4.7 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 Special Permit application from Lahey Clinic Foundation, Inc., for premises located at 1 Essex Center Drive, Peabody, MA. Appearing to speak on behalf of said application was Attorney John R. Keilty, Mr. Larry Cartarelli and Mr. Michael McGarty. No one appeared to speak in favor. Mr. Paul O'Connor, 18A Shore Drive, Peabody, MA and Mr. Russell Donovan, 12 Quail Road, Peabody, MA appeared to speak in opposition.

P1124-07 COUNCILLOR SELESNICK - MOVE THE question. (Carried 10-1; Councillor Gamache opposed)

P1125-07 COUNCILLOR LIACOS - BE IT ORDERED by the City Council of the City of Peabody that the application from Lahey Clinic Foundation, Inc., for premises located at 1 Essex Center Drive, Peabody, MA for a Special Permit requesting to amend condition #3 of Special Permit 24-2007 to allow extended construction hours from 7:00 a.m. to 8:00 p.m. Monday through Friday and from 8:00 a.m. to 8:00 p.m. on Saturday, for a total duration of four months to permit construction operations using large vehicles in limited locations in close proximity to the MRI scanners at Lahey Clinic North, the amendment would permit extended construction hours for six days a week for four months commencing in November, 2007 and ending in June, 2008. Said Permit is being filed in accordance with Section 4.2.3 and 1.5.1 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.

AMENDMENT BY COUNCILLOR DRISCOLL - MOVE TO amend Councillor Liacos's motion and to recess the public hearing to December 11, 2007. (Carried 8-3; Councillors Garabedian, Liacos and Mello opposed)

REPORTS OF COMMITTEE

None.

MOTIONS, ORDERS & RESOLUTIONS

P1126-07 COUNCILLOR MURTAGH - MOVE THAT the matter of combining both the bookkeeping systems and IT needs of both the School Department and the City in general be placed in the Finance Committee for review next year. (Unanimous)

P1127-07 COUNCILLOR BETTENCOURT - MOVE TO request that the Finance Department prepare a breakdown of the Ad Hoc Committee on Drug Education & Awareness bank account as to what the disbursements and deposits have been. (Unanimous)

P1128-07 COUNCILLOR BETTENCOURT - MOVE TO request that the Community Development Department prepare a breakdown of the \$800,000 grant for Crystal Lake, including if there's a time limit on when that money has to be spent, since that's grant money; a breakdown of how much has been spent to date and on what; and also if there's a plan as to how the money is going to be spent, what the tasks are going to be and what the dates will be. (Unanimous)

P1129-07 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department prepare an inventory of all the sidewalks in the City that are in disrepair and submit an estimate of the cost to repair all sidewalks. We had considered a few years ago concentrating on sidewalks, as opposed to doing streets. If we can get a price from Mr. Carnevale, maybe we can forego streets one year in an effort to try to take care of some of the sidewalks. (Unanimous)

P1130-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, Item 8-A communication from Joseph Barrasso, Wild Meadow Equipment Corp., 2 Debush Ave., Middleton regarding: Complaint 222 Newbury Street and to send a copy to Lt. Martin Cohan, Police Department. (Unanimous)

P1131-07 COUNCILLOR GAMACHE - MOVE TO receive, under suspension of the rules, Item 8-B communication from Lt. Marty Cohan, Police Department, regarding Inspection report regarding Class 2 MVL's at 222 Newbury Street, 100 Foster Street and 220B Newbury Street and to send a communication to Lt. Martin Cohan, Police Department, and Mr. Kevin Goggin, the Building Inspector, requesting that they visit Four Star Service and go over some of these potential violations with Four Star and insure that all conditions on the permit are being adhered to. (Unanimous)

P1132-07 COUNCILLOR GAMACHE – MOVE TO send a communication to Glenn Trueira at the Peabody Municipal Light Plant requesting that he send two cost estimates to the City Council regarding the possible installation of a street light at 29 Emily Lane. One cost estimate would be for the underground installation of utilities and the second cost estimate would be for the aboveground installation of utilities. (Unanimous)

On the motion:

I requested a streetlight be placed a 29 Emily Lane, and I received a communication from Peabody Municipal Light that they won't put the pole up. It's now a point of public safety. But what I would like to do is have a communication to Glenn Trueira at the Peabody Municipal Light Plant send a cost estimate as what it's going to cost to put a light there. There's two alternatives: An underground lighting or organize aboveground lighting. I would like to specific estimates as to what each one will, so that I can further review it and go either before the commission or -- and see who's going to pay for it. If you're familiar with this area, it's -- it was a buffer zone between the two developments: Goodale Farms 1 and Goodale Farms 2. And when they put in Goodale Farms 2, there was not supposed to be an extension into the farms, it was supposed to be separate construction. They allowed them to use a buffer or go through the buffer and that buffer's got no streetlights. So it is a safety issue and I've been trying to work with the neighbors so if you can get that communication for me, I'd appreciate it.

P1133-07 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, Item 8-J communication from City of Peabody, 24 Lowell Street, regarding Site plan review - Leather Workers Museum, 205 Washington Street. (Unanimous)

P1134-07 COUNCILLOR LIACOS - MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Vocational merger temporary oversight board update and to refer to the Finance Committee. (Unanimous)

P1135-07 COUNCILLOR ZELLEN: MOVE TO request that Ad Hoc Committee on Aggregate Industries schedule a meeting on Thursday, December 13, 2007 at 6:30 p.m. to discuss the most recent blasting incident at Aggregate Industries. (Unanimous)

On the motion:

Couple of motions, both having to do with Aggregate Industries. And I want to preface the motion by saying that most recently, although the blasts on Thursdays -- or whenever they do them in that area -- have been within the tolerances, there has been noted damage from property surrounding it, including a solid rock that was out in front of Aggregate Industries that I'm sure many of have seen a picture of, if not you will be soon, where a complete rock was split in half. So as a result of that I've had a number of complaints and concerns from neighbors. Their statements basically is if a blast that is hundreds of feet further -- a rock that's hundreds of feet further away than the blast than their foundations and their houses split, what's the impact on foundations and walls. And I can tell you that I've made some inspections recently and have seen some foundations and walls on interiors of homes split. So as a result I'm asking the committee on Aggregate Industries -- the ad hoc committee, which I'm chairman of, to meet on December the 13 at which time -- have a letter sent to Aggregate Industries. I'd also like a letter sent to Impact Drilling and Blasting, request that the fire department and also members of the residential neighborhood blasting committee be invited on that evening to talk about these most recent blasts and that would be on December 13 at 6:30 p.m.

P1136-07 COUNCILLOR ZELLEN: COUNCILLOR ZELLEN: MOVE TO request that Aggregate Industries consider the feasibility on a voluntary basis of refraining from any further blasting until after the ad hoc committee meets on December 13th. (Unanimous)

P1137-07 COUNCILLOR ZELLEN - MOVE TO receive, under suspension of the rules, Item 8-C communication from Mass Development regarding Application for financing a non-profit project and to refer to the Community Development Department asking them to comment to Mass. Development and also to Bridgewell with regard to the allowed uses. Two of the properties that are listed here, 4 Ann Drive and 6 Magnolia Terrace, are currently used as group homes within our community allowed under Chapter 40-A. And in reading the letter from Mass. Development they talk about other uses that may or may not be allowed under 40-A with regard to homeless housing, outreach services, affordable housing services and other uses that may not fall within Chapter 40-A within a residential area. So I want to be sure that if we're talking about a continued use of these properties that is allowed, that's one thing. So I would like community to Community Development to notify both Bridgewell and Mass. Development of the uses that would be allowed in those two properties inasmuch as they're in an R-1 area. And if their use is contrary to that, this city object to any build out or further construction. (Unanimous)

P1138-07 COUNCILLOR ZELLEN - MOVE TO receive, under suspension of the rules, Item 8-D communication from Health Department regarding Aggregate odor complaints and to refer to the Ad Hoc Committee on Aggregate Industries. (Unanimous)

P1139-07 COUNCILLOR ZELLEN - MOVE TO receive, under suspension of the rules, Item 8-F communication from Scott Colby, Aggregate Industries, regarding Quarry closure plans and request discussions for possible expansion of quarry rim and to refer to the Ad Hoc Committee on Aggregate Industries. (Unanimous)

[10-A regarding 28 Margin Terrace]

P1140-07 COUNCILLOR MELLO - BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-81 of the City Code entitled Handicap Zone be adopted as amended and read as it pertains to a handicap parking space at 28 Margin Terrace. (Carried 11-0)

P1141-07 COUNCILLOR MELLO – MOVE TO ask the Public Services Department to place a handicap parking sign in front of 28 Margin Terrace and they also can put it on the fence, if they want. The owner has said that he acceptable to that location. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P1142-07 COUNCILLOR MURTAGH - MOVE TO receive communication from Vanesse & Associates, Inc., Andover, MA regarding Environmental Impact Report: 190-194 Newbury Street. (Unanimous)

P1143-07 COUNCILLOR MURTAGH - MOVE TO receive and approve communication from Timothy Spanos, City Clerk, regarding Election results being submitted for certification. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P1144-07 COUNCILLOR MURTAGH - MOVE TO receive and approve the Taxi-Limousine Driver License - Edward Beardsell, 98 Newbury Street, Danvers, subject to all papers being in order. (Unanimous)

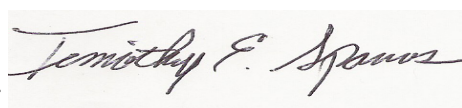
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

P1145-07 COUNCILLOR DRISCOLL - MOVE TO receive communication from ATC Associates, Inc., Woburn, MA regarding Release Notification Form, hydraulic oil release at Northshore Mall. (Unanimous)

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

SUBMITTED TO HIS HONOR THE MAYOR, NOVEMBER 30, 2007
RETURNED BY HIS HONOR THE MAYOR, NOVEMBER 30, 2007

ATTEST


(Timothy E. Spanos, City Clerk)