

**REGULAR MEETING OF THE PEABODY CITY COUNCIL  
DECEMBER 11, 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.

P1146-07 COUNCILLOR OSBORNE – MOVE TO receive and approve the minutes from the last regular meeting of November 27, 2007. (Unanimous)

**HEARINGS**

P1147-07 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, late communication Item 3 from Attorney David L. Ankeles on behalf of Luciano Dinis, 102-104 Washington Street, regarding request to continue public hearing. (Unanimous)

The City Council reconvened the recessed public hearing 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, and Mr. Robert Schneider. No one appeared to speak in favor. Ms. Ana Ortins, 12 Felton Street, Peabody, MA appeared to speak in opposition.

P1148-07 COUNCILLOR DRISCOLL - MOVE TO receive, under suspension of the rules, late communication Item 4 from Attorney John R. Keilty, on behalf of Lahey Clinic Foundation, 1 Essex Center Drive. (Unanimous)

P1149-07 COUNCILLOR DRISCOLL – BE IT ORDERED by the City Council of the City of Peabody that the application from Lahey Clinic Foundation, Inc., 41 Mall Road, Burlington, MA for a Special Permit as it pertains to property at 1 Essex Center Drive, Peabody, MA requesting to amend condition #3 of Special Permit 24-2007, specifically, to allow construction to additionally take place on Saturdays commencing at 8:00 a.m. and ending at 7:00 p.m. 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 Steven & Maureen Lane, 20 Great Hill Road, Gloucester, MA for premises located at 118 Central Street, Peabody, MA. Appearing to speak on behalf of said application was Mr. Steven Lane, 20 Great Hill Road, Gloucester, MA and Ms. Maureen Lane, 20 Great Hill Road, Gloucester, MA. Mr. John Karahalos, 5 Rawding Road, Peabody, MA appeared to speak in favor. No one appeared to speak in opposition.

P1150-07 COUNCILLOR MURTAGH - MOVE TO receive, under suspension of the rules, Item 8-B communication from Community Development Department regarding Special Permit memo, 118 Central Street. (Unanimous)

P1151-07 COUNCILLOR MURTAGH - BE IT ORDERED by the City Council of the City of Peabody that the application from Steven & Maureen Lane, 20 Great Hill Road, Gloucester, MA for a Special Permit to operate a consignment boutique for clothing at 118 Central Street, Peabody, MA as filed in accordance with Section 4.2.5 and 4.4 of the Zoning Ordinance be approved based on the following reasons and subject to the condition that the hours of operation shall be Monday through Friday 9:00 a.m. to 8:00 p.m. and Saturday & Sunday 10:00 a.m. to 2:00 p.m.

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 Steven & Maureen Lane, 20 Great Hill Road, Gloucester, MA for premises located at 118 Central Street, Peabody, MA for a Junk Dealers License to operate a consignment shop. Appearing to speak on behalf of said application was Mr. Steven Lane, 20 Great Hill Road, Gloucester, MA and Ms. Maureen Lane, 20 Great Hill Road, Gloucester, MA. No one appeared to speak in favor. No one appeared to speak in opposition.

P1152-07 COUNCILLOR MURTAGH - MOVE TO approve the application from Steven & Maureen Lane, 118 Central Street, Peabody, MA for a Junk Dealers License to operate a consignment shop at said 118 Central Street, Peabody, MA. (Carried 11-0)

A public hearing was duly held on the application for a transfer of an Entertainment License from D & B Corp. d/b/a Golden Banana, 151-R Newbury Street, Peabody, MA. Appearing to speak on behalf of the applicant was Attorney Richard Villiotte. No one appeared to speak in favor. No one appeared to speak in opposition.

P1153-07 COUNCILLOR GAMACHE - MOVE TO approve the application for a transfer of an Entertainment License from D & B Corp. d/b/a Golden Banana, 151-R Newbury Street, Peabody, MA for the use of a television, radio, electric phonograph and live entertainment. (Carried 10-1; Councillor Zellen opposed)

P1154-07 COUNCILLOR OSBORNE - MOVE TO receive, under suspension of the rules, Item 8-A communication from Community Development Department regarding 98 Foster Street, zoning request. (Unanimous)

P1155-07 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, Item 8-M communication from Planning Board regarding Zoning memo, 98 Foster Street. (Unanimous)

P1156-07 COUNCILLOR ATHAS - MOVE THAT the Zoning Map Amendment submitted by Teresa Cammarano, 98 Foster Street, Peabody, MA be allowed to be withdrawn without prejudice. (Carried 10-1; Councillor Selesnick opposed)

### **REPORTS OF COMMITTEE**

None.

### **MOTIONS, ORDERS & RESOLUTIONS**

P1157-07 COUNCILLOR DRISCOLL - MOVE TO receive, under suspension of the rules, late communication Item 5 from Ana Ortins, 12 Felton Street, Peabody, MA regarding public safety issues be referred to the Municipal Safety Committee. (Unanimous)

P1158-07 COUNCILLOR GAMACHE – MOVE TO send a communication to the State Department of Transportation to place on Route 128 southbound from Lowell Street to the Centennial Industrial Park exit requesting for the installation of a sound barrier. Also request to seek approval for a green natural buffer along same area.

ON THE MOTION: I met with the residents from the Arboretum, as well as residents from Summit Street, Henry Terrace, Ellis, as well as Forest Street, last Thursday trying to get on the waiting list for a barrier like the one that was placed on Route 128 in Lynnfield. The list is very long. They don't plan on doing much more with it. That's probably going to be the last one and, believe it or not, that one cost \$7.1 million. So we did make a suggestion – State Representative Joyce Spiliotis was there and Mr. Fallon from the Department of Transportation and another representative from ECOC was also there and it was suggested that maybe they try to alter their plans, as far as permanent sound barriers in the form of concrete, to possible natural green buffers, such as arborvitae and fence and stuff like that, which wouldn't put a big dent in the highway department's budget. So with that said, I'd move to send that communication and a copy to our State delegation. (Unanimous)

P1159-07 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, Item 8-C communication from Community Development Department regarding Special Permit memo, 102-104 Washington Street. (Unanimous)

P1160-07 COUNCILLOR ATHAS - MOVE TO receive, under suspension of the rules, Item 8-E communication from Community Development Department regarding 70 Endicott Street update. (Unanimous)

P1161-07 COUNCILLOR LIACOS - MOVE TO receive, under suspension of the rules, Item 8-I communication from Raymond Forbes, President, PYGSL, regarding Use of fields and to refer to the Human Services Committee. (Unanimous)

P1162-07 COUNCILLOR ZELLEN - "I'm going to preface a motion by saying that on at least two occasions for a duration of time my ability to communicate with the City Hall via e-mail has been either deliberately or somehow decided that I would be blocked from communicating with either the City Clerk or the mayor's office and I would direct at this time the IT Department be directed not to block elected officials from the ability to communicate with city officials and city personnel via e-mail. (Unanimous)

P1163-07 COUNCILLOR MELLO - MOVE TO recognize the efforts of the residents of the Peabody House and their resident counsel for the good work that they do in the community. They have a lot of fundraisers and provide for the disadvantaged and the needy in our community. (Unanimous)

P1164-07 COUNCILLOR OSBORNE - MOVE TO request that the Public Services Department correct the spelling of the street sign on Waselchuk Drive. (Unanimous)

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

P1165-07 COUNCILLOR DRISCOLL - MOVE TO receive a communication from His Honor the Mayor regarding Unregulated signs - progress report. (Unanimous)

P1166-07 COUNCILLOR GAMACHE - MOVE TO receive and approve a communication from His Honor the Mayor regarding the following various reappointments:

<b><u>NAME:</u></b>	<b><u>POSITION:</u></b>	<b><u>TERM TO EXPIRE:</u></b>
Peter Marcaurelle 61 Emerson Avenue Peabody, MA 01960	Board of Appeals	12/31/2012 (5-Year Term)
Paul Ruocco 12 Goodridge Street Peabody, MA 01960	Board of Appeals	12/31/2012 (5-Year Term)
Nicholas Spaneas 7 Carol Ann Road Peabody, MA 01960	Board of Appeals	12/31/2010 (3-Year Term)
Kevin Goggin 35 Sutton Street Peabody, MA 01960	Building Inspector	12/31/2008 (1-Year Term)
David Cvinar 180 Winona Street Peabody, MA 01960	Cable Commission	12/31/2010 (3-Year Term)
Al Barcamonte 13 Jennings Circle Peabody, MA 01960	Cable Commission	12/31/2009 (2-Year Term)

C. Milton Burnett, Jr. 12 Margaret Road Peabody, MA 01960	Cable Commission	12/31/2010 (3-Year Term)
Anthony Juliano 2 Earley Road Peabody, MA 01960	Cable Commission (Alternate Member)	12/31/2008 (1-Year Term)
Sotirios Yokas 17 Mount Pleasant Drive Peabody, MA 01960	City Collector	12/31/2008 (1-Year Term)
Michael Woods, M.D. 6 Annie's Lane So. Hamilton, MA 01982	City Physician	12/31/2008 (1-Year Term)
Richard Reeves 772 Lowell Street Peabody, MA 01960	City Treasurer	12/31/2008 (1-Year Term)
Vera Burke 41 Fairview Avenue Peabody, MA 01960	Civic Center Commission	12/31/2008 (1-Year Term)
Robert Quinn 9 Burke Street Peabody, MA 01960	Civic Center Commission	12/31/2008 (1-Year Term)
William Power 13 Felton Street Peabody, MA 01960	Civic Center Commission	12/31/2008 (1-Year Term)
Corey Carter 2 Christopher Terrace Peabody, MA 01960	Civic Center Commission	12/31/2008 (1-Year Term)
Gerard Bellew 88 Washington Street Peabody, MA 01960	Civic Center Commission	12/31/2008 (1-Year Term)
Rudolph Van Oeveren One Norwich Road Peabody, MA 01960	Comm. Dev. Authority	12/31/2008 (1-Year Term)
John Anezis 99 Birch Street Peabody, MA 01960	Community Development	12/31/2010 (3-Year Term)
Robert Quinn 9 Burke Street Peabody, MA 01960	Historical Commission	12/31/2009 (2-Year Term)
John Brennan 3 Dexter Road Peabody, MA 01960	Historical Commission (Alternate Member)	12/31/2008 (1-Year Term)
Gerald Bellew 88 Washington Street Peabody, MA 01960	Historical Commission (Alternate Member)	12/31/2008 (1-Year Term)

William Havey 351 Lancaster Street #2 Leominster, MA 01453	Outdoor Education Coordinator	12/31/2008 (1-Year Term)
Heidi Henson 36 Commonwealth Ave. Gloucester, MA 01930	Personnel Director	12/31/2008 (1-Year Term)
Daniel Doucette 30 Proctor Circle Peabody, MA 01960	Purchasing Agent	12/31/2008 (1-Year Term)
Matthew Lowe 275 Court Road Winthrop, MA 02152	Rent Control Board Owner's Rep./Alternate	12/31/2008 (1-Year Term)
Arlene Roach 251 Newbury Street, #1 Peabody, MA 01960	Rent Control Board Tenant's Rep./Alternate	12/31/2008 (1-Year Term)
John Webster 3 Samos Circle Peabody, MA 01960	Sign Review Board (Alternate Member)	12/31/2009 (2-Year Term)
JoAnn Smyrnios 39 Home Street Peabody, MA 01960	Trust Fund	12/31/2008 (1-Year Term)
Robert Quinn 9 Burke Street Peabody, MA 01960	Trust Fund	12/31/2008 (1-Year Term)
Christopher Tighe 54 Gardner Street Peabody, MA 01960	Veteran's Agent	12/31/2008 (1-Year Term)
Fernando Homem 30 Union Street, #2 Peabody, MA 01960	Wire Inspector	12/31/2008 (1-Year Term)
	(Unanimous)	

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

P1167-07 COUNCILLOR BETTENCOURT - MOVE TO receive communication from Community Development Department regarding Crystal Lake update and to refer to the Ad Hoc Committee on Crystal Lake. (Unanimous)

P1168-07 COUNCILLOR SELESNICK - MOVE TO receive communication from Lt. Martin Cohan & Timothy Spanos regarding Review of Entertainment License application and rules & regulations and to refer to the Legal Affairs Committee. (Unanimous)

P1169-07 COUNCILLOR OSBORNE - MOVE TO receive communication from 194 Turnpike, LLC, 190-194 Newbury Street regarding Request to amend Special Permit 1-2007 and to set up a public hearing. (Unanimous)

P1170-07 COUNCILLOR DRISCOLL - MOVE TO receive communication from Councillor Frederick Murtagh regarding Letter of thanks. (Unanimous)

P1171-07 COUNCILLOR DRISCOLL - MOVE TO receive communication from Attorney Jerry Effren on behalf of Aggregate Industries regarding Response to City Council motions of November 27<sup>th</sup> regarding blasting and to refer to the Ad Hoc Committee on Aggregate Industries. (Unanimous)

P1172-07 COUNCILLOR MURTAGH - MOVE TO receive communication from Chief Steve Pasdon, Fire Department, regarding Regulating dangerous chemicals and/or materials and to refer to the Municipal Safety Committee. (Unanimous)

P1173-07 COUNCILLOR OSBORNE - MOVE TO receive communication from Attorney John R. Keilty, 40 Lowell Street, regarding Latitude Sports Club, 190-194 Newbury Street - modified site plan. (Unanimous)

**PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

P1174-07 COUNCILLOR MURTAGH - MOVE TO receive and approve the Taxi Cab License Transfer - Community Taxi, 27R Caller Street, License #13, subject to all papers being in order. (Unanimous)

P1175-07 COUNCILLOR MURTAGH - MOVE TO receive and approve the following Taxi/Limousine Driver Licenses, subject to all papers being in order:

- William Flynn, Jr., 3 Oakland Street, Salem
- Joseph Kadish, 329 Summer Street, Manchester
- James Fyfe, 56 Margin Street, Salem
- Daniel Harkins, 65 Central Street, Peabody
- Frank Sheffield, 31 Atkins Avenue, Lynn (Unanimous)

**UNFINISHED BUSINESS FROM THE PRECEDING MATTER**

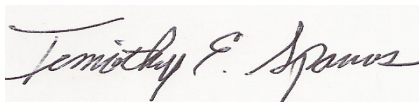
P1176-07 COUNCILLOR OSBORNE - MOVE TO receive late communication Item 1 from Councillor Judy Selesnick, 8 Bragg Street, regarding Letter of thanks. (Unanimous)

P1177-07 COUNCILLOR OSBORNE - MOVE TO receive and approve late communication Item 2 from His Honor the Mayor regarding New Appointments:

<b><u>NAME:</u></b>	<b><u>POSITION:</u></b>	<b><u>TERM TO EXPIRE:</u></b>
Anne Quinn 198 Lynnfield Street Peabody, MA 01960	Cultural Council	09/01/2010 (3-Year Term)
Eugene C. Bermani 11 Daniel Terrace Peabody, MA 01960	Rent Control Board (Alternate)	12/31/2008 (1-Year Term)
	(Unanimous)	

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 7:45 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, DECEMBER 13, 2007  
RETURNED BY HIS HONOR THE MAYOR, DECEMBER 13, 2007

  
 ATTEST \_\_\_\_\_  
 (Timothy E. Spanos, City Clerk)