

REGULAR MEETING OF THE PEABODY CITY COUNCIL
SEPTEMBER 12, 2013

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

ABSENT: NONE

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Thomas L. Gould.

Salute to the American Flag.

P632-13 COUNCILLOR GAMACHE - MOVE TO receive and approve the minutes from the last regular meeting of August 22, 2013. (Unanimous)

COUNCILLOR GOULD - 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

P633-13 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-A communication from Vannee Chaisuphatanakul, 190-194 Newbury Street, regarding Request to continue Special Permit to September 26, 2013. (Unanimous)

P634-13 COUNCILLOR GAMACHE – MOVE TO continue the public hearing on the application from Vannee Chaisuphatanakul, 190-194 Newbury Street, Peabody, MA, until the next regular meeting on Thursday, September 26, 2013. (Unanimous)

A public hearing was duly held on the application from Brookwood Jubilee, LLC, 72 Cherry Hill Drive, Beverly, MA. Appearing to speak on behalf of the application was Mr. Todd Newsome. Ms. Karen Sawyer, Director of Community Development & Planning; and Mr. Joe DiFranco, Fire Inspector; appeared to speak on behalf of the City. No one appeared to speak in favor. No one appeared to speak in opposition.

P635-13 COUNCILLOR OSBORNE – MOVE TO receive, under suspension of the rules, Item 8-M communication from Robert Langley, Director, Public Services Department, regarding Brookwood Jubilee, 300 Jubilee Drive. (Unanimous)

P636-13 COUNCILLOR OSBORNE - MOVE TO approve the application from Brookwood Jubilee, LLC, 72 Cherry Hill Drive, Beverly, MA, for an Inflammables License seeking the storage of 40,000 gallons flammable liquids and 15,000 gallons combustible liquids at 300 Jubilee Drive, Peabody, MA, with the following conditions, as submitted by Public Services Department:

1. Both the fire protection and domestic waterline shall have a backflow preventer installed on them;
2. The proposed 3-inch high, 12-inch wide containment berm shall be constructed out of concrete and not bituminous concrete;
3. The proposed trench drain & catch basin (located in the loading dock containment area) shall drain directly to the existing onsite basin and not to the basin overflow pipe.

In the event a pump is required to drain the trench drain to the basin, the pump shall be operated manually. A written procedure will be developed that allows the pump to be manually turned on only after the operator has determined no spill has been experienced in the containment area. Once the containment area has been pumped down the pump will be returned to the off position. The pump will not be allowed to be left in an automated mode.

In the event a pump is not required to drain the trench drain to the basin, a shutoff valve is required to be installed. A written procedure will be developed that allows the operator to open the valve only after it is determined no spill has been experienced in the containment area. Once the containment area has been drained the shutoff valve will be returned to the closed position. The shutoff valve will not be allowed to be left in the open position.

In either event the written protocol for draining the containment area shall be submitted to this department prior to the occupancy of the building.

4. The applicant shall develop a means to contain the storm water within the onsite basin in the event a spill is not contained in the containment area but is released to the basin. This written procedure for closing the basin outlet shall be developed and submitted to this department prior to the occupancy of the building.
 5. The existing double catch basin located on the property shall be repaired as part of this project. The catch basin grates are currently sinking and are creating a potential hazard.
 6. The Department of Public Services will require a walk-through prior to occupancy to verify no floor drains were installed or remain within the building.
 7. A copy of the company's spill prevention plan shall be provided to this department.
 8. The existing truck route sign shall be straightened and raised as part of this project. The visibility of the sign appears to be impeded during the winter months.
- (Carried 11-0)

A public hearing was duly held on the Petition submitted by the Peabody Municipal Light Plant, 201 Warren Street Extension, Peabody, MA. Appearing to speak on behalf of the application was Mr. Roy Simoes. No one appeared to speak in favor. No one appeared to speak in opposition.

P637-13 COUNCILLOR SINEWITZ – BE IT ORDERED by the City Council of the City of Peabody to grant the Peabody Municipal Light Plant the custody and care of a certain parcel of land owned by the City of Peabody identified as Assessors Map 10, Parcel 14 and numbered 0 Russell Street. (Carried 11-0)

P638-13 COUNCILLOR SINEWITZ - BE IT ORDERED by the City Council of the City of Peabody that the application from the Peabody Municipal Light Plant, 201 Warren Street Extension, Peabody, MA for a Special Permit seeking permission to construct an electrical substation in an R1 District and grant relief from the Wetlands Conservancy Overlay District Restrictions on premises numbered 0 Russell Street, Assessors Map 10, Parcel 14, Peabody, MA, as filed in accordance with Sections 4.2, 8.4 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)

The City Council reconvened the recessed public hearing on Zoning Amendment (Sections 2, 9, 11, 14 and 15) and Zoning Map Amendment (22 Mason Street from R4 to IL). No one appeared to speak in favor. No one appeared to speak in opposition.

P639-13 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-B communication from Planning Board regarding Zoning recommendation; Language amendments and zoning map. (Unanimous)

P640-13 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that the following amendments to the Peabody Zoning Ordinance be adopted as amended and read:

SECTION ONE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEABODY THAT the Zoning Ordinance of the City of Peabody entitled, "City of Peabody Revised Zoning Ordinance," adopted April 28, 2011, is hereby amended as follows:

THAT THE FOLLOWING SECTIONS BE AMENDED AS FOLLOWS INCORPORATING ALL THE TECHNICAL ZONING CHANGES UNDER DATE OF THE MAY 23, 2013 LEGAL NOTICE:

SECTION 2	DEFINITIONS
SECTION 9	PARKING
SECTION 11	SIGNS
SECTION 14	REMOVAL OF EARTH PRODUCTS
SECTION 15	ADMINISTRATION

SECTION TWO: TO rezone 22 Mason Street back to IL from R4; Assessors Map 95, Parcel 47.

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

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

The City Council reconvened the recessed public hearing on the application of Americab, 10 Jefferson Avenue, Salem, MA. Appearing to speak on behalf of the applicant was Ms. Nieves Duran on behalf of Juan Carlos Roman. No one appeared to speak in favor. No one appeared to speak in opposition.

P641-13 COUNCILLOR MELLO - MOVE THAT the Special Permit application from Americab, 10 Jefferson Avenue, Salem, MA, for property at 10 Union Street, Peabody, MA be allowed to be withdrawn, without prejudice. (Unanimous)

P642-13 COUNCILLOR MELLO – MOVE THAT the Taxicab License application from Americab, 10 Jefferson Avenue, Salem, MA, for property at 10 Union Street, Peabody, MA be allowed to be withdrawn, without prejudice. (Unanimous)

P643-13 COUNCILLOR DRISCOLL - MOVE TO receive and approve, under suspension of the rules, a late communication from Tim Barry regarding request to withdraw the Special Permit application from Seregio Goncalves, 3 Hammersmith Drive, Saugus, MA, without prejudice. (Unanimous)

A public hearing was duly held on the application from Foster Street Market, 101-A Foster Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney Bill Delaney. Mr. Leoncio Vizcaino appeared to speak in favor. No one appeared to speak in opposition.

P644-13 COUNCILLOR ATHAS – BE IT ORDERED by the City Council of the City of Peabody that the application from Foster Street Market, 101-A Foster Street, Peabody, MA, for a Special Permit to allow for the sale of packaged alcoholic beverages at said 101-A Foster 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 9-2; Councillors Manning-Martin and Sinewitz opposed)

P645-13 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-L communication from Vincent Valenti, The Peabody Diner, 10 Margin Street, regarding request to withdraw Special Permit without prejudice. (Unanimous)

P646-13 COUNCILLOR GAMACHE - MOVE THAT the Special Permit application from The Peabody Diner, 10 Margin Street, Peabody, MA, be allowed to be withdrawn, without prejudice. (Unanimous)

REPORTS OF COMMITTEE

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE **SEPTEMBER 12, 2013**

P647-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee - Earlier this evening we held a committee meeting concerning the rezoning back to BC from Mr. Gagnon at 15 Little's Lane. That request was bantered about in committee and the request was a motion three-to-two favorably out of committee to send it to the Planning Board, so that they can have their due process for a public hearing on the zoning change. (Report received)

P648-13 COUNCILLOR GAMACHE – Reporting for the Industrial & Community Development Committee – MOVE THAT the request from Nelson Gagnon, 15 Little’s Lane, Peabody, MA requesting to re-designate said property at 15 Little’s Lane, Assessors Map 85, Parcel 109A from R-2 Residential to BC Central Business be sent to the Planning Board in accordance with Chapter 40A to begin the zoning process. (Unanimous)

FINANCE COMMITTEE
SEPTEMBER 12, 2013

P649-13 COUNCILLOR GRAVEL – Reporting for the Finance Committee - There was a meeting this evening of the Finance subcommittee and in attendance were myself as the chair, Councillor Athas, Councillor Driscoll, Councillor Gamache and Councillor Gould was in place for Councillor Liacos; by the end of the meeting all councillors were in attendance. The issue at hand was the discussion of a transfer from our Chapter 90 projects funds for 2013 to the road improvement projects in the amount of \$1,270,670. A motion was made and that was approved unanimously on a roll-call vote. (Report received)

P650-13 COUNCILLOR GRAVEL - Reporting for the Finance Committee – MOVE TO approve the following transfer, as submitted by His Honor the Mayor, under date of August 21, 2013:

FROM:

Chapter 90 Projects – FY 2013 \$1,270,670.00
(Carried 10-0; Councillor Mello absent)

TO:

Road Improvement Projects- \$1,270,670.00

MOTIONS, ORDERS & RESOLUTIONS

P651-13 COUNCILLOR GRAVEL - MOVE TO request that His Honor the Mayor provide the City Council with his recommendations on the number and locations of liquor licenses for the downtown area to be presented as a home-rule petition. (Unanimous)

P652-13 COUNCILLOR GRAVEL (Co-motion with Councillor Driscoll) - MOVE TO request that the Park, Recreation & Forestry Department do whatever they can to improve the drainage retention area at Emerson Park with regard to the overgrowth of foliage. (Unanimous)

P653-13 COUNCILLOR DRICOLL – MOVE TO receive, under suspension of the rules, Item 8-C communication from Councillor Robert Driscoll regarding Request to include with the zoning language amendments to reinstate “Self Service Storage Facility with Manager Caretaker Quarters in the B-R Zone by Special Permit,” and to refer to the Industrial & Community Development Committee. (Unanimous)

P654-13 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 8-D communication from Councillor Rico Mello regarding Resident request for handicapped sign at 5 Evans Road. (Unanimous)

P655-13 COUNCILLOR DRISCOLL (Co-motion with Councillor Mello) – MOVE TO request a handicapped sign for 5 Evans Road, and that an ordinance be drafted and advertised on the same. (Unanimous)

P656-13 COUNCILLOR DRISCOLL – MOVE TO receive, under suspension of the rules, Item 8-I communication from Zoning Board of Appeals regarding Notice of Decision; Eva Quinlan, 8 Charles Street. (Unanimous)

P657-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department replace and make more visible the "Stop" sign at the school crosswalk at the intersection of Swampscott Avenue and Adelaide Avenue. (Unanimous)

P658-13 COUNCILLOR ATHAS - MOVE TO request that the Public Services Department improve the signage for pedestrians indicating the use and vicinity of crosswalks, particularly at Main Street and Central Street. (Unanimous)

P659-13 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-H communication from Rent Control Board regarding Discontinuance permit for Red Hill Estates Mobile Home Park. (Unanimous)

P659A-13 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that in accordance with Section 18-58 of the Peabody City Code and based on the findings presented to the City Council by the Peabody Rent Control Board under date of August 28, 2013, that the City Council issue a Discontinuance Permit to the applicant, Peabody Mobile Homes, LLC, Newbury Street, Peabody ,MA subject to all papers being in order. (Carried 10-0, 1 absent; Councillor Mello)

P660-13 COUNCILLOR SINEWITZ - MOVE TO request that the City Council send a communication to our state delegation support the repealing of the IT computer tax and the inflationary part of the gas tax. (Carried 9-0; Councillor Liacos voting present; Councillor Mello absent)

P661-13 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department repair the numerous pot holes on Balgreen Drive. (Unanimous)

P662-13 COUNCILLOR SINEWITZ (Co-motion with Councillor Gould) - MOVE TO request that the Public Services Department clean up the area at the entrance to the path on Shannon Street and Bow Street in the vicinity of the West School. (Unanimous)

P663-13 COUNCILLOR SINEWITZ - MOVE TO request that the Public Services Department install a berm at 30 Catherine Drive. Last winter the plows destroyed it and now the grass between the sidewalk and the street is being washed away. (Unanimous)

P664-13 COUNCILLOR SINEWITZ – MOVE TO request a status update from the Public Services Department on Motion P614-13 regarding abandoned newspaper containers. (Unanimous)

P665-13 COUNCILLOR GOULD - MOVE TO refer to the Municipal Safety Committee a parking situation at the exit to the Peabody House on Walnut Street. The residents cannot see around parked vehicles and they have to get way out into the oncoming traffic. (Unanimous)

P666-13 COUNCILLOR GOULD (Co-motion with Councillor Mello) - MOVE TO request that the Public Services Department investigate the catch basin at the corner of Barry Street and Northend Street, which is sinking. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P667-13 COUNCILLOR GAMACHE – MOVE TO receive the communication from His Honor the Mayor submitting the appointment of Sharon Cameron as Director of Human Services. (Carried 10-0; Councillor Mello absent)

P667A-13 COUNCILLOR GAMACHE – MOVE TO approve the appointment of Sharon Cameron, 75 Lake Shore Road, Peabody, MA as the Director of Human Services for a one year term to expire on September 30, 2014. (Carried 10-0, 1 absent)

P668-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from His Honor the Mayor regarding Ordinance amendment; salary adjustment for Deputy Police Chief and refer to the Finance Committee. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P669-13 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from St. Vasilios Greek Orthodox Church, 5-7 Paleologos Street, regarding Banner, subject to all papers being in order. (Unanimous)

P670-13 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Torigian Family YMCA, 259 Lynnfield Street, regarding Banner, subject to all papers being in order. (Unanimous)

P671-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Centennial Crossing, 4 First Avenue, regarding Site plan. (Unanimous)

P672-13 COUNCILLOR GAMACHE – MOVE TO receive a communication from Department of Community Development regarding 86 Andover Street. (Unanimous)

P673-13 COUNCILLOR GAMACHE – MOVE TO receive and approve a communication from Building Inspector regarding Special Permit transfer 4-1981; Rehabilitative bodywork Office, 484 Lowell Street, subject to all papers being in order. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P674-13 COUNCILLOR GAMACHE – MOVE TO receive Petition – Peabody Municipal Light Plant regarding P13-154 for Hancock Street and set up a public hearing. (Unanimous)

P675-13 COUNCILLOR GAMACHE- MOVE TO receive Class 2 Motor Vehicle License (Transfer) – Lee Maserian, 128 Newbury Street and set up a public hearing. (Unanimous)

P676-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Taxicab License (Transfer), subject to all papers being in order:

Tri City Services, Inc., 55R Walnut Street re: License 1, 4, 5, 9 & 10
North Shore Taxi, Inc., 27 Walnut St. Unit C re: License 12, 13 & 24
(Unanimous)

P677-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Limousine License (Transfer), subject to all papers being in order:

Michael's Limousine Co., Inc., 161 Lynn Street re: Licenses 192-195
Fox Run Limousine, 484 Lowell Street re: License 188
(Unanimous)

P678-13 COUNCILLOR GAMACHE – MOVE TO receive and approve the following Taxi/Limousine Driver License, subject to all papers being in order:

<p>Ryan B. Gilbert – License 72 Aaron Savino – License 73 John Silva – License 75 Glenn Michelle – License 77 Donald MacPherson- License 79 Sajad Sofi – License 82 Abdul Sheriff – License 84 Benedetto Bisconti – License 86 Robert Rossetti – License 88 David Drillis – License 90 Kevin Parker – License 92 A. Paul Ventre – License 94 Edgar Peguero – License 97 Robert Gray, Jr. – License 101 David Noyes III – License 104 (Unanimous)</p>	<p>Alfred Gernier, Jr. – License 72A Kimberlee Kyslowsky --License 74 Dennis Giannias – License 76 Shawn Capozzi - License 78 Benito Cadet - License 80 David Terry – License 83 Antonello Verdiglione --License 85 William O'Neill – License 87 Brian McLaughlin – License 89 John Shaw – License 91 Marc Margossian – License 93 Ronald Fearon - License 95 Michael D. Ago – License 99 Michael J. LaClair – License 102</p>
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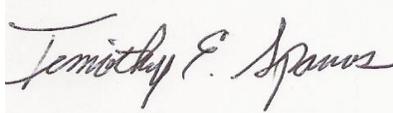
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:50 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, SEPTEMBER 19, 2013

RETURNED BY HIS HONOR THE MAYOR, SEPTEMBER 19, 2013



ATTEST

(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Appointment – Sharon Cameron as Director of Human Services

His Honor the Mayor re: Ordinance amendment; salary adjustment for Deputy Police Chief

Vannee Chaisuphatanakul, 190-194 Newbury Street re: Request to continue Special Permit to September 26, 2013

Planning Board re: Zoning recommendation; Language amendments and zoning map

Councillor Robert Driscoll re: Request to include with the zoning language amendments to reinstate “Self Service Storage Facility with Manager Caretaker Quarters in the B-R Zone by Special Permit”.

Councillor Rico Mello re: Resident request for handicapped sign at 5 Evans Road

St. Vasilios Greek Orthodox Church, 5-7 Paleologos Street re: Banner

Torigian Family YMCA, 259 Lynnfield St re: Banner

Centennial Crossing, 4 First Avenue re: Site plan

Rent Control Board re: Discontinuance permit for Red Hill Estates Mobile Home Park

Zoning Board of Appeals re: Notice of Decision; Eva Quinlan, 8 Charles Street

Department of Community Development re: 86 Andover Street

Building Inspector re: Special Permit transfer 4-1981; Rehabilitative bodywork Office, 484 Lowell Street

Vincent Valenti, The Peabody Diner, 10 Margin Street re: Request to withdraw Special Permit without prejudice.

Robert Langley, Director, Public Services Department re: Brookwood Jubilee, 300 Jubilee Drive

PETITION:

Peabody Municipal Light Plant re: P13-154 for Hancock Street

CLASS 2 MOTOR VEHICLE LICENSE: (Transfer)

Lee Maserian, 128 Newbury Street

TAXICAB LICENSE: (Transfer)

Tri City Services, Inc., 55R Walnut Street re: License 1, 4, 5, 9 & 10

North Shore Taxi, Inc., 27 Walnut St. Unit C re: License 12, 13 & 24

LIMOUSINE LICENSE: (Transfer)

Michael's Limousine Co., Inc., 161 Lynn Street re: Licenses 192-195

Fox Run Limousine, 484 Lowell Street re: License 188

TAXI/LIMOUSINE DRIVER LICENSE:

Ryan B. Gilbert – License 72 Alfred Gernier, Jr. – License 72A

Aaron Savino – License 73 Kimberlee Kyslowsky --License 74

John Silva – License 75 Dennis Giannias – License 76

Glenn Michelle – License 77 Shawn Capozzi - License 78

Donald MacPherson- License 79 Benito Cadet - License 80

Sajad Sofi – License 82 David Terry – License 83

Abdul Sheriff – License 84 Antonello Verdiglione --License 85

Benedetto Bisconti – License 86 William O'Neill – License 87

Robert Rossetti – License 88 Brian McLaughlin – License 89

David Drillis – License 90 John Shaw – License 91

Kevin Parker – License 92 Marc Margossian – License 93

A. Paul Ventre – License 94 Ronald Fearon - License 95

Edgar Peguero – License 97 Michael D. Ago – License 99

Robert Gray, Jr. – License 101 Michael J. LaClair – License 102

David Noyes III – License 104