



**Ward Councillors**

Craig S. Welton, Ward 1  
Peter M. McGinn, Ward 2  
James Moutsoulas, Ward 3  
Edward R. Charest, Ward 4  
Joel D. Saslaw, Ward 5  
Mark J. O'Neill, Ward 6

**Councillors at Large**

Thomas L. Gould  
Anne M. Manning-Martin  
Ryan Melville  
Thomas J. Rossignoll  
Jon G. Turco

**Clerk of Council**

Allyson M. Danforth

City Hall  
24 Lowell Street

978-538-5900  
FAX (978) 538-5985

# PEABODY CITY COUNCIL

Special Permit #10

**Map 35 Lot 25**

April 12, 2021

Building Inspector  
City Hall  
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, April 8, 2021, the following Special Permit was approved:

COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application filed by 535 Lowell Street Peabody, LLC, 535 Lowell Street, Peabody MA, for a Special Permit to construct a drive-through window for a restaurant to be operated by Crack'd Kitchen at 535 Lowell 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. The dumpster enclosure will be completed within 60 days;
2. An additional bollard will be installed in front of the gas meter referenced in Late Communication 4; and
3. The Special Permit will be approved contingent upon a written "No objection" from the Peabody Police Department and Peabody Fire Department.

(Carried 9-2; Councillor Rossignoll and Councillor O'Neill opposed)

**NOTICE OF DECISION:** IN ACCORDANCE WITH CHAPTER 40A, SECTION 17 OF THE MASSACHUSETTS GENERAL LAWS, AN APPEAL OF THIS DECISION MUST BE FILED WITHIN TWENTY (20) DAYS FROM THE DATE OF FILING OF SAID DECISION WITH THE APPROPRIATE COURT AND OFFICE OF THE CITY CLERK.

**IF SAID SPECIAL PERMIT WAS APPROVED, YOU MUST OBTAIN A CERTIFIED COPY OF THE SPECIAL PERMIT FROM THE OFFICE OF THE CITY CLERK, AND A BUILDING PERMIT MUST BE APPLIED FOR AND ISSUED BY THE INSPECTOR OF BUILDINGS AFTER THE TWENTY DAY APPEAL PERIOD HAS EXPIRED. IF THE 20<sup>TH</sup> DAY FALLS ON A WEEKEND DAY (SATURDAY OR SUNDAY), THE NEXT BUSINESS DAY IS CONSTITUTED AS THE 20<sup>TH</sup> DAY. SAID SPECIAL PERMIT MUST BE EXERCISED WITHIN TWO YEARS FROM THE DATE OF TIME STAMP WITH THE OFFICE OF THE BUILDING INSPECTOR. IF NOT, SAID SPECIAL PERMIT SHALL EXPIRE.**



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**THERE SHALL BE NO TRANSFER OF THIS SPECIAL PERMIT UNTIL WRITTEN APPROVAL OF THE SAME IS OBTAINED FROM THE SPECIAL PERMIT GRANTING AUTHORITY, OR ITS DESIGNEE.**

**A COPY OF YOUR SPECIAL PERMIT MUST BE POSTED UPON THE BUSINESS PREMISES IN A CONSPICUOUS PLACE VISIBLE TO THE PUBLIC AT ALL TIMES.**

**THE LAST DAY TO FILE AN APPEAL IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, CHAPTER 40A, SECTION 17, IS MAY 3, 2021.**

**IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON MAY 4, 2021, IF NO APPEALS ARE FILED. IT IS REQUIRED THAT SAID PERMIT BE OBTAINED FROM THE BUILDING INSPECTOR, AND A CERTIFICATE OF BUSINESS BE OBTAINED FROM THE CITY CLERK IN ORDER TO COMPLETE THE SPECIAL PERMIT REQUIREMENTS.**

PEABODY CITY COUNCIL  
COUNCILLOR MARK J. O'NEILL  
CITY COUNCIL PRESIDENT

Allyson M. Danforth  
City Clerk

cc: Planning Board, Community Development Department, Police Department,  
Human Services Department