



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 #14

Map 102 Lot 19

June 29, 2021

Building Inspector
City Hall
Peabody, MA

Dear Sir:

At a Regular Meeting of the Peabody City Council held on Thursday evening, June 24, 2021, the following Special Permit was approved:

COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Spero J. Demakes, 29-31 Lynnfield Street, Peabody, MA, for a Special Permit to add a 30' X 24' deck to the rear of the building for outdoor dining use at said 29-31 Lynnfield Street, Peabody, MA, as filed in accordance with Sections 1.5.1, 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 applicant shall comply with the inputs provided by the Conservation Commission;
2. The deck will not be enclosed;
3. There will be no direct access to the deck from the parking lot except to facilitate emergency access and/or egress;
4. The dumpster will not be relocated;
5. Deck lighting will be limited to the two (2) existing light fixtures on the exterior wall of the building and the addition of string lights designed and situated such that they do not illuminate abutters' properties. String lights will be off during times that use of the deck is not permitted;
6. The existing two fences along the 27 and 33 Lynnfield Street property lines shall be removed and replaced with new, wood, eight (8) foot height, sight-impervious privacy fences along the entire length of such property lines. The applicant shall have responsibility for the ongoing maintenance and repair of the fences and shall provide secure parking blocks to protect the fences. For the avoidance of doubt, new fencing must be in place before use of the deck commences;
7. The minimum number of parking spaces required under zoning ordinance Section 9.2 shall be maintained;
8. The deck may only be utilized between the hours of 11:00 a.m. and 10:00 p.m.;
9. There will be no entertainment on the deck;



PEABODY CITY COUNCIL

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

10. There will be no smoking on the deck;
11. Existing temporary outdoor dining facilities shall be removed before the use of the deck commences;
12. Real estate tax payments on the applicant's 8 Bourbon Street property will be paid in full no later than July 30, 2021, and no building permit for the deck shall be issued until such taxes are paid; and
13. Special permit shall not be subject to transfer should ownership of the property change. New owner or operator desiring to continue use of the deck would be required to reapply to the special permit granting authority.

(Carried 10-0; Councillor Melville absent)

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 20TH DAY FALLS ON A WEEKEND DAY (SATURDAY OR SUNDAY), THE NEXT BUSINESS DAY IS CONSTITUTED AS THE 20TH 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.

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 JULY 19, 2021.

IF THE SAID SPECIAL PERMIT WAS APPROVED, YOU CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR ON JULY 20, 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