REGULAR MEETING OF THE PEABODY CITY COUNCIL
JANUARY 12, 2023

PRESENT COUNCILLORS: TURCO, DAIGLE, O'NEILL, PEACH, MANNING-MARTIN, GOULD, ROSSIGNOLL, GAMACHE, MELVILLE, MCGINN, AND WELTON

ABSENT COUNCILLORS:

An in-person and remotely held meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President Craig S. Welton.

Salute to the American Flag.

COUNCILLOR WELTON – 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.

P01-23 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, the minutes from the Special Meeting of December 6, 2022, and the Regular Meeting of December 8, 2022. (Unanimous)

HEARINGS

P02-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-K communication from Andrew Levin, Senior Planner, regarding Zoning Amendment-Mill Overlay District. (Unanimous)

P03-23 COUNCILLOR PEACH – MOVE TO continue the public hearing on Zoning Amendment – Amend Section 6 entitled Special Regulations as follows: By deleting in its entirety Section 6.15 Mill Overlay District (MOD) as adopted on March 14, 2019, and inserting in place thereof a new Section 6.15 entitled Mill Overlay District (MOD) until Thursday, January 19, 2023.
(Unanimous)

P04-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, late communication Item 2 from Attorney John Keilty on behalf of JG Backland Realty Trust, 190(R) Newbury Street, regarding Request to continue public hearing until Thursday, January 26, 2023.
(Unanimous)

P05-23 COUNCILLOR GAMACHE – MOVE TO continue the public hearing on the application filed by JG Backland Realty Trust, 190(R) Newbury Street, Peabody, MA, until Thursday, January 26, 2023.
(Unanimous)

P06-23 COUNCILLOR TURCO – MOVE TO request that the City Clerk send a communication to Attorney John Keilty on behalf of JG Backland Realty Trust, 190 (R) Newbury Street, advising that if the applicant is not ready to move forward with the public hearing on Thursday, January 26, 2023, that the applicant should withdraw the special permit and reapply when they are ready to move forward.
(Carried 10-1; Councillor Gamache opposed)

The City Council reconvened the recessed public hearing on the application filed by New York Capital Investment Group, LLC, 27 Central Street, Peabody, MA. Mr. Halim Choubah and Mr. Ken Calabro appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P07-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, late communication Item 1 from Halim Choubah on behalf of New York Capital Investment Group, LLC, 27 Central Street, regarding Revised traffic plan.
(Unanimous)

P08-23 COUNCILLOR PEACH – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by New York Capital Investment Group, LLC, 500 Turnpike Street, Canton, MA, for a Special Permit for the expansion of use for an existing nonconforming car wash facility and installation of a new central vacuum system to replace existing vacuums at 27 Central Street, Peabody, MA, as filed in accordance with Sections 1.5, 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 hours of operation for the summer to be Monday through Sunday from 7:00 a.m. to 8:00 p.m.; the hours of operation for the winter to be Monday through Sunday from 7:00 a.m. to 7:00 p.m. The differentiation between summer and winter being Daylight Savings Time;
2. The pay station and vacuum stations will not be lit during off hours;
3. There will only be ten (10) vacuum stations;
4. Trash receptacles will be located at each vacuum station;
5. Vehicles will enter on Hardy Street only and exit on Central Street only with additional signage “No entrance on Central Street” and “Entrance on Hardy Street.” Signage will be erected directing vehicles to exit on to Central Street from the vacuum stations and to enter the car wash from Hardy Street;
6. If there is queuing on the public way, the car wash will hire a police detail to assist with traffic flow;
7. For the first six months of the car wash being open additional staff will be provided to aid in the traffic flow of the car wash;
8. Per the Community Development and Planning Department, to consolidate the current vehicle access/egress on Central Street and to better separate parking area from sidewalk, install some sort of aesthetically pleasing option to accomplish this (wooden guardrail, planters, etc.);
9. For the avoidance of doubt, Zoning Ordinance Section 5 shall apply, including the Peabody Downtown Design Standards Main Street Sub-District, including, but not limited to, the extent such standards pertain to exterior renovation, signs, lighting, and landscape buffers;
10. Per the Conservation Commission, The property is in a FEMA AE Flood zone. An NOI is necessary for any future outside work to commence. If the engineer of record feels the elevation is out of the flood zone, an RDA is necessary to memorialize the decision; and
11. The site plan of record for this special permit is the revised site plan accepted January 12, 2023, in Late Communication 1.

(Carried 9-2; Councillor Gould and Councillor Rossignoll opposed)

REPORTS OF COMMITTEE

MOTIONS, ORDERS AND RESOLUTIONS

P09-23 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 8-A communication from Thomas St. Pierre, Acting Building Commissioner, regarding Transfer of Special Permit 13-2016; Destination Pet, LLC c/o Michele Booth, 147 Summit Street, Unit 6, subject to all papers being in order.
(Unanimous)

P10-23 COUNCILLOR TURCO (Co-motion with Councillor Welton) – MOVE TO receive and approve, under suspension of the rules, Item 8-E communication from Thomas St. Pierre, Acting Building Commissioner, regarding Transfer of Special Permit 21-2004; Mohamed Hassan, 145 Summit Street, subject to all papers being in order.
(Unanimous)

P11-23 COUNCILLOR DAIGLE – MOVE TO receive and approve, under suspension of the rules, Item 9-E Block Party, 3-7 Columbus Road - August 25, 2023, subject to all papers being in order.
(Unanimous)

P12-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-C communication from Atty. Donald Conn, City Solicitor, regarding Endicott Street Litigation - Joint Stipulation of Dismissal (Unanimous)

P13-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, the following Item 9-B Entertainment License (New) and set up a public hearing:

Asia Taste Cafe and Grille, 635 Lowell Street
Brother's Restaurant & Deli, 11 Main Street
Maki Sushi Bar, 43 Main Street
Oliveira's Restaurant, 135 Washington Street
From Brazil Restaurant, 72-74 Walnut Street
Tokyo Steak House, 300 Andover Street

(Unanimous)

P14-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 9-C Limousine License (New) - Tri City Services, 55R Walnut Street, Peabody, MA, and set up a public hearing.
(Unanimous)

P15-23 COUNCILLOR PEACH – MOVE TO receive and approve, under suspension of the rules, the following Item 9-J General License (2023 Renewal), subject to all papers being in order:

Fortune Teller License-Peabody Psychic, 245 Andover Street
Fortuner Teller License-Mrs. Russell's Psychic Studio, 259 Andover Street

(Unanimous)

P16-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-I communication from Thomas St. Pierre, Acting Building Commissioner, regarding Cease and Desist letter; Albanian Boston Community, Inc., 26 Howley Street; Special Permit 2-2022.
(Unanimous)

P17-23 COUNCILLOR PEACH (Co-motion with Councillor Gould) – MOVE TO request a show cause hearing on Special Permit 2-2022 issued to the Albanian Boston Community, 26 Howley Street, and set up a public hearing.
(Unanimous)

P18-23 COUNCILLOR PEACH – MOVE TO request a “Stop” sign at Monroe Court and Central Street, that an ordinance be drafted and advertised on the same, and request that the Public Services Department install the sign.
(Unanimous)

P19-23 COUNCILLOR MANNING-MARTIN – MOVE TO review and release all executive session meeting minutes that are no longer in litigation.
(Unanimous)

P20-23 COUNCILLOR MANNIN-MARTIN – MOVE TO refer to the Industrial & Community Development Committee an internal audit of the subsidized housing inventory number to make sure we agree with the calculations that are being sent forth to the state with respect to what has been counted and what will be falling off the inventory in the future.
(Unanimous)

P21-23 COUNCILLOR GAMCHE – MOVE TO receive and approve, under suspension of the rules, Item 8-F communication from Thomas St. Pierre, Acting Building Commissioner, regarding Transfer of Special Permit 10-2015; Richard Kumpel, 288 Newbury Street, subject to all papers being in order.
(Unanimous)

P22-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-G communication from Thomas St. Pierre, Acting Building Commissioner, regarding Cease and Desist letter; 25 Farm Avenue.
(Unanimous)

P23-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-H communication from the Rent Control Board regarding Recommendation-Mac's Trailer Park Application for a Discontinuance Permit and refer to the Legal Affairs Committee.
(Unanimous)

P24-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 9-D Class 2 Motor Vehicle License (Transfer) RBK Motors, 288 Newbury Street, and set up a public hearing.
(Unanimous)

P25-23 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Item 9-F Class 1 Motor Vehicle License (2023 Renewal) Flagship Motorcars, 202 Newbury Street, subject to all papers being in order.
(Unanimous)

P26-23 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, the following Item 9-G Class 2 Motor Vehicle License (2023 Renewal), subject to all papers being in order:

American Auto Export, 484 Lowell Street
Auto Xpress, 98 Foster Street
Auto Transporters of New England, 55R Lynnfield Street
Legacy Auto Sales, 92 Foster Street
Easy Up Cars, 20 Wallis Street
Wilson Square Auto Sales, 2 Andover Street

(Unanimous)

P27-23 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, the following Item 9-I Innholder License (2023 Renewal), subject to all papers being in order:

Extended Stay America Suite #9666, 200 Jubilee Drive
Springhill Suites, 43 Newbury Street

(Unanimous)

P28-23 COUNCILLOR GAMACHE – MOVE TO approve, under suspension of the rules, Item 10-A Thomas St. Pierre, Acting Building Commissioner, regarding Transfer of Special Permit 1-2007; CF Elite Club Peabody, LLC d/b/a CF Elite Sports Clubs, 190-194 Newbury Street, subject to all papers being in order.
(Unanimous)

P29-23 COUNCILLOR MELVILLE – MOVE TO receive and approve, under suspension of the rules, the following Item 9-H Entertainment License (2023 Renewal), subject to all papers being in order:

Amigo's Mexican Kitchen, 210 Andover Street
Boston Marriott Peabody, 8A Centennial Drive
Brodie's Pub, 10 ½ Lowell Street
Daniella's Ristorante, 41 Cross Street
Holiday Inn, 1 Newbury Street
Knights of Columbus, 96 Main Street
Pellana Restaurant, 9R Sylvan Street

(Unanimous)

P30-23 COUNCILLOR MELVILLE – MOVE TO receive and approve, under suspension of the rules, Item 9-H Entertainment License (2023 Renewal) Salem Country Club, 133 Forrest Street, subject to all papers being in order.
(Carried 6-5; Councillor Turco, Councillor Daigle, Councillor Peach, Councillor Manning-Martin, and Councillor Gould opposed)

P31-23 COUNCILLOR MANNING-MARTIN – MOVE TO request that the City Clerk provide a list of all outstanding council licenses to the Building Commissioner to address it, act on it, and implement better oversight that these things are done and that license holders are paying their fees and they’re not operating without the appropriate licenses.
(Unanimous)

P32-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfer of Funds -Fire Salaries $498,800; Fire OT $901,200 and refer to the Finance Committee.
(Unanimous)

P33-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-B communication from John W. Parsons, Esq., PERAC, Five Middlesex Avenue, Suite 304, Somerville, regarding Appropriation for Fiscal Year 2024.
(Unanimous)

P34-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension for the rules, Item 8-J communication from Allyson M. Danforth, City Clerk, regarding Balance of term caused by the vacancy of Charles W. Bonfanti.
(Unanimous)

P35-23 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Citizens Inn, 81 Main Street, Peabody, regarding Thank-you letter.
(Unanimous)

P36-23 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 9-A Taxi/Limo Driver License, John Miller - License 15, subject to all papers being in order.
(Unanimous)

P37-23 COUNCILLOR TURCO – MOVE TO refer to the Legal Affairs Committee the possibility of changing the Rules and Orders of the City Council to address the number of continuances allowed for a public hearing.
(Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Previously received.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

Previously received.

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:45 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, JANUARY 19, 2023
RETURNED BY HIS HONOR THE MAYOR, JANUARY 19, 2023

ATTEST: Allyson M. Danforth
(Allyson M. Danforth, City Clerk)

COMMUNICATIONS:
His Honor the Mayor re: Transfer of Funds – Fire Salaries $498,800; Fire OT $901,200
Thomas St. Pierre, Acting Building Commissioner, re: Transfer of Special Permit 13-2016; Destination Pet, LLC c/o Michele Booth, 147 Summit Street, Unit 6
John W. Parsons, Esq., PERAC, Five Middlesex Avenue, Suite 304, Somerville, re: Appropriation for Fiscal Year 2024
Atty. Donald Conn, City Solicitor, re: Endicott Street Litigation – Joint Stipulation of Dismissal
Citizens Inn, 81 Main Street, Peabody, re: Thank-you letter
Thomas St. Pierre, Acting Building Commissioner, re: Transfer of Special Permit 21-2004; Mohamed Hassan, 145 Summit Street
Thomas St. Pierre, Acting Building Commissioner, re: Transfer of Special Permit 10-2015; Richard Kumpel, 288 Newbury Street
Thomas St. Pierre, Acting Building Commissioner, re: Cease and Desist letter; 25 Farm Avenue
Rent Control Board re: Recommendation – Mac's Trailer Park Application for a Discontinuance Permit
Thomas St. Pierre, Acting Building Commissioner, re: Cease and Desist letter; Albanian Boston Community, Inc., 26 Howley Street; Special Permit 2-2022
Allyson M. Danforth, City Clerk, re: Balance of term caused by the vacancy of Charles W. Bonfanti
Andrew Levin, Senior Planner, re: Zoning Amendment- Mill Overlay District

TAXI/LIMO DRIVER LICENSE:
John Miller – License 15

ENTERTAINMENT LICENSE: (New)
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Brother's Restaurant & Deli, 11 Main Street
Maki Sushi Bar, 43 Main Street
Oliveira's Restaurant, 135 Washington Street
From Brazil Restaurant, 72-74 Walnut Street
Tokyo Steak House, 300 Andover Street

LIMOUSINE LICENSE: (New)
Tri City Services, 55R Walnut Street

CLASS 2 MOTOR VEHICLE LICENSE: (Transfer)
RBK Motors, 288 Newbury Street

BLOCK PARTY REQUEST:
3-7 Columbus Road – August 25, 2023

CLASS 1 MOTOR VEHICLE LICENSE: (2023 Renewal)
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GENERAL LICENSE: (2023 Renewal)
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