REGULAR MEETING OF THE PEABODY CITY COUNCIL
MARCH 10, 2022

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

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 Ryan Melville.

Salute to the American Flag.

COUNCILLOR MELVILLE – 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.

P137-22 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Regular Meeting of February 24, 2022.
(Unanimous)

HEARINGS

A public hearing was duly held on the application submitted by Shayna Costa, 16 Turner Street, Salem, MA. Appearing to speak on behalf of the application was Ms. Shayna Costa. No one appeared to speak in favor. No one appeared to speak in opposition.

P138-22 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Shayna Costa, 16 Turner Street, Salem, MA, for a Special Permit to operate a tattoo studio at 474 Lowell Street, Unit 6, 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.

CONDITION:

1. The hours of operation shall be Monday through Sunday from 9:00 a.m. to 11:00 p.m. by appointment only; and
2. Per the Health Department, Applicant must obtain a permit to operate a tattoo establishment and a permit to perform body tattooing from the Health Department. Plan review must be conducted prior to start of construction/remodeling.

(Carried 11-0)

A public hearing was duly held on the application submitted by Patricia Knight, 84 10th Street, Lowell, MA. Appearing to speak on behalf of the application was Ms. Patricia Knight. No one appeared to speak in favor. No one appeared to speak in opposition.

P139-22 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Patricia Knight, 84 10th Street, Lowell, MA, for a Special Permit to operate a clothing consignment shop with the sale of accessory items at 149 Washington Street, Unit C1, 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. Per Health Department, Applicant must develop policies and procedures to ensure there is no unauthorized dumping or drop-off of materials outside of business hours;
2. Per Health Department, Applicant must develop policies and procedures regarding process for ensuring that items for resale are sanitary and free of pests;
3. Per Health Department, The collection and resale of mattresses should be prohibited;
4. Per Health Department, Applicant should contract with a licensed pest control professional to provide service on a monthly basis or more frequently if needed;
5. Per Health Department, Applicant must ensure that discarded materials are collected by private trash hauler frequently enough so that outside storage of unwanted items does not create nuisance for abutters. Items to be discarded must be stored on the property and may not obstruct the public sidewalk; and
6. In accordance with Special Permit application, the business hours of operation are 10:00 a.m. to 8:00 p.m. Tuesday through Saturday.

(Carried 11-0)

A public hearing was duly held on the application submitted by Patricia Knight, 84 10th Street, Lowell, MA. Ms. Patricia Knight appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P140-22 COUNCILLOR MCGINN – MOVE TO approve the application submitted by Patricia Knight, 84 10th Street, Lowell, MA, for a Junk Dealers License for the sale of secondhand items, consignment shop, at 149 Washington Street, Peabody, MA, subject to all papers being in order.
(Carried 11-0)

A public hearing was duly held on the application submitted by Christine Lander, 76 Glendale Avenue, Peabody, MA. Appearing to speak on behalf of the application was Ms. Christine Lander. No one appeared to speak in favor. No one appeared to speak in opposition.

P141-22 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, the following late communications:

Late 1 Sharon Cameron, Health Dept., re: Questions on special permit application
Late 2 Sharon Cameron, Health Dept., re: Questions on special permit application
Late 3 Liane Conrad, 112 Lynn Street, re: Agenda – Opposed
Late 4 Liane Conrad, 112 Lynn Street, re: Agenda – Opposed
Late 5 Sharon Cameron, Health Dept., re: Bombshell Boutique, 101 Lynn Street
Late 10 Heather Rose Scanlan, 108 Lynn Street, re: Late communication – Bombshell Boutique Hearing – Agenda item number 4(d)
(Unanimous)

P142-22 COUNCILLOR WELTON – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Christine Lander, 76 Glendale Avenue, Peabody, MA, for a Special Permit to amend Special Permit 17-2021 not to expand into the adjacent space and for uses allowed under a cosmetology license at 99 (a/k/a 101) Lynn 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 hours of operation shall be Monday through Saturday from 8:00 a.m. to 9:00 p.m. with no Sunday hours;
2. All services provided by the applicant's business must be covered by an active cosmetology license and a full and specific list of all services with proof of proper licensing shall be provided to the Director of Health upon issuance of special permit and shall also be displayed at all times within the business;
3. All trash must be stored in a closed receptacle located on the side of the building. No trash receptacles will be permitted to be stored in front of the business or on the public walkway at any time, and private trash pickup must retrieve the barrels from the side of the building;
4. All business lighting must be extinguished upon the conclusion of the operating hours each day and there shall be no flashing lights permitted;
5. All special permit conditions must be adhered to or the applicant will be brought back before the City Council for a show cause hearing, which could result in the revocation of the special permit; and
6. Applicant shall arrange for pre-arranged off-site parking for all employees.

(Carried 9-2; Councillor Gould and Councillor Manning-Martin opposed)

P143-22 COUNCILLOR PEACH – MOVE TO receive and approve, under suspension of the rules, late communication Item 9 from Atty. Joseph MacDonald on behalf of Extreme Packing Solutions, Inc., c/o Keith Tobin, President, 7 Webster Street, Unit F, Peabody, MA, regarding Request to continue until Thursday, March 24, 2022.
(Unanimous)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE
MARCH 1, 2022

P144-22 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – The Legal Affairs Committee held a meeting on Tuesday, March 1st. All of the Legal Affairs Committee members were present that evening with Councillors: McGinn, Peach, Rossignoll, and Turco. We were also joined by fellow Councillors: Daigle, Gamache, Gould, Manning-Martin, as well as Council President Melville. The sole agenda item for that evening was the response by Michael Votto to the City's request for proposals regarding the sale of 10 Lowell Street. Mayor Bettencourt appeared at the meeting and provided an overview of the property, his decision to offer the property for sale, as well as the RFP process. The Mayor was joined by Dan Doucette, our City Purchasing Agent; Susan Antonellis from the Assessor's office; and Don Conn, the City Solicitor. All were key members throughout the RFP process. As way of background, in December 2017 Mayor Bettencourt requested approval from the City Council to purchase the property at 10 Lowell Street for the purposes of flood mitigation in the downtown area, as well as creating open space. The Council gave its unanimous approval for Mayor Bettencourt to purchase the property for $425,000 with another $10,000 allocated for closing costs. The City used $250,000 from reserves and $185,000 from the Community Preservation Open Space fund to pay for the property. The City closed on this property in February of 2018. The Mayor decided to place the property located at 10 Lowell Street for sale in the hopes of retaining a long-time local business, as well as having an improved property than the one currently located there now. Once Mayor Bettencourt decided to offer the property for sale, the City issued an RFP on July 28, 2021, with a minimum sale price of $425,000. The deadline for all applicants to respond was September 8th. The RFP provided a detailed description of the property, as well as accepted and prohibited uses. Prohibited future uses included any residential component, including but not limited to apartments or condominiums. The City received one response to the RFP by the September deadline, which was submitted by Michael Votto with a proposed purchase price of $450,000. The Mayor went into detail about how the minimum sale price of $425,000 used in the RFP was developed. He referenced the most recent sale price of the property, as well as the assessed value, which helped the City refine the market value. Number one, this property was purchased in February 2015 by Northfield Properties for $400,000. The City bought it in February 2018 from Northfield Properties for $425,000. The property is currently assessed at $188,800 for the building and $166,800 for the land, for a total real estate assessment of $355,600. Lastly, at a minimum, the Mayor wanted to make sure that the City recouped its $425,000 that it paid in 2018. The Mayor went on to discuss, while the real estate market for residential properties remains very strong with ever increasing prices, as we all know, the continued challenging economy over the past few years has not generally resulted in the same valuation increases in commercial properties like the increases seen in residential. In addition, Mayor Bettencourt stressed the key factors with 10 Lowell Street, which affect its market value from a retail real estate standpoint. They included there are no parking spaces with the assigned property. Number two, the condition of the property is not great. Anyone who purchased the building would need to do substantial rehabilitation work at the site. And, lastly, in the RFP, as noted before, the City prohibited future use of any residential component, which would reduce the development potential and its market value. The proposed sale of city property is only for 10 Lowell Street. The city-owned parcel at 16 Lowell Street, which has mostly recently been used as an outdoor dining area, will not be part of the sale. The City will continue to own this property and there is possible use as open space. Mr. Votto's team then presented the conceptual plan for Brodies' future site, which included his attorney, Peter Calabrese; his architect, Joe Bettencourt; and his accountant, Ken Siegel. The team outlined the planned improvements to the property, which will create a restaurant tavern with approximately 75 seats for dining and 26 to 30 bar seats on the first floor. The second and third floors of the building will likely be used for commercial office space. The project team intends to use downtown design standards and Main Street subdistrict criteria for projects that was created in 2016. The total cost of the project is expected to be $2,279,450 and the work is expected to take between 12 and 18 months. The committee members and other

members of the Council asked questions about the response to the RFP, including the pro forma financial statements, the construction schedule, building setup, as well as the $295,000 in additional costs, now included, for the elevator, foundation, building framing upgrades, as well as engineering and architectural services. The following motions were made. (Report received)

P145-22 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – MOVE TO receive, under suspension of the rules, late communication Item 11 from Joseph Bettencourt on behalf of Mr. Michael Votto, regarding Presentation made to the City Council on March 1, 2022.
(Unanimous)

P146-22 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – MOVE TO authorize His Honor the Mayor to enter into a purchase and sale agreement with Michael J. Votto (the "buyer") for the property located at 10 Lowell Street for the sum of Four Hundred Fifty Thousand Dollars ($450,000.00) with a requirement that conditions from the request for proposal document titled "Request for Proposals: Sale of 10 Lowell Street, Peabody, MA" (the "RFP") and affirmed in the buyer's proposal dated September 8, 2021, and updated on January 20, 2022, are memorialized in a manner which is binding on the buyer.
(Carried 11-0)

P147-22 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – MOVE THAT it be memorialized that the Parties agree that in the event that Mr. Michael Votto (the "Buyer") of 10 Lowell Street lists the property for sale within the first two (2) years of the date of closing, the City shall have the right of first refusal to purchase said property for a price agreed to by the parties. This provision shall survive the closing as an independent obligation.
(Carried 9-2; Councillor Manning-Martin and Councillor Daigle opposed)

P148-22 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – MOVE THAT upon the City's sale of the property at 10 Lowell Street the Mayor be requested to take the necessary actions to return One Hundred Eighty-Five Thousand Dollars ($185,000.00) to the Community Preservation Open Space Fund, as the intended open space purpose at 10 Lowell Street was not realized.
(Carried 11-0)

COMMITTEE OF THE WHOLE
MARCH 10, 2022

P149-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – We met as the Committee of the Whole. All councillors were present. We had two items on the agenda. The first item was the discussion of the City Charter and the process for updating that charter. We had a good discussion with every councillor contributing with regards to the process. A motion was made by Councillor Peach to move forward with the recommended charter by the Charter Review Committee that that would be the base document that we would be operating off of for the charter review going forward. There was some discussion about being able to cite in the proposed charter by the committee the related portions of our current charter for better review and Attorney Barrett spoke to me after the meeting to say that he will work with myself to make sure that happens and we will make every effort to be able to identify those for fellow councillors. Part of that motion was to keep the actual discussion and that process in the Committee of the Whole and we will do that going forward. (Report received)

P150-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO receive, under suspension of the rules, Item 8-E communication from Councillor Ryan Melville regarding Framework for Revision of Special Permit Application.
(Unanimous)

P151-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – We also received Item 8-E to discuss the Special Permit application. The result of that particular discussion was to update the Special Permit application, to modernize it, put it online, and I had included, as Council President, the framework for that. Councillor McGinn made the following motion. (Report received)

P152-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO request that His Honor the Mayor propose a working group of department heads and relevant staff to review and upgrade the Special Permit application with the intent that any upgrade will enhance the ability of an applicant to fully and efficiently provide the necessary information for review by city staff and the permit granting authority using the requirements found in Item 8-E.
(Unanimous)

MOTIONS, ORDERS AND RESOLUTIONS

P153-22 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-B communication from Peabody Downtown Business Coalition Meeting Minutes: 2/28/22.
(Unanimous)

P154-22 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, Item 8-C communication from CV 13 Corwin LLC, c/o Cargo Ventures, 13 Corwin Street, regarding Special Permit application and set up a public hearing.
(Unanimous)

P155-22 COUNCILLOR WELTON – MOVE TO receive and approve, under suspension of the rules, Item 9-C Class 2 Motor Vehicle License (Renewal for 2022), subject to all papers being in order.
(Unanimous)

P156-22 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-A communication from Jarrett Temple, Regional Environmental & Land Manager, Aggregate Industries, 1715 Broadway, Saugus, regarding Aggregate Industries – 2021 Annual Report and refer to the Committee of the Whole.
(Unanimous)

P157-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-D communication from Peabody Municipal Light Plant, 201 Warren Street Extension, regarding Public Officials Questionnaire – Public Awareness Program.
(Unanimous)

P158-22 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 9-B Entertainment License (Renewal for 2022) Gallo Nero Pizzeria, 89 Main Street, subject to all papers being in order.
(Unanimous)

P159-22 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 2-13 entitled "Salary of the Mayor" of the Code of the City of Peabody be adopted as advertised and read.
(Carried 10-0; Councillor Peach voted present)

P160-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, the following late communications and refer to the Finance Committee:

Late 7 His Honor the Mayor regarding Statement of Interest – South Memorial Elementary School
Late 8 His Honor the Mayor regarding Statement of Interest – Peabody Veterans Memorial High School
(Unanimous)

P161-22 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, the following Item 9-A Taxi/Limo Driver License, subject to all papers being in order:

David Claffey – License 2
Robert Ruest – License 3
(Unanimous)

P162-22 COUNCILLOR TURCO – MOVE TO receive and approve, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Appointment under date of March 4, 2022, of Chris Gilbert, 55 Granite Road, Peabody, MA, to the Zoning Board of Appeals (Regular Position) for a one-year term to expire 12/31/2022.
(Carried 10-1; Councillor Manning-Martin opposed)

P163-22 COUNCILLOR MELVILLE – MOVE TO request that City Department Heads provide Departmental Responses and Communications to the City Council before the Council Agenda deadline.
(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 9:10 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 15, 2022
RETURNED BY HIS HONOR THE MAYOR, MARCH 15, 2022

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

COMMUNICATIONS:

His Honor the Mayor re: Appointment under date of March 4, 2022
Jarrett Temple, Regional Environmental & Land Manager, Aggregate Industries, 1715 Broadway, Saugus, re: Aggregate Industries – 2021 Annual Report
Peabody Downtown Business Coalition Meeting Minutes: 2/28/22
CV 13 Corwin LLC, c/o Cargo Ventures, 13 Corwin Street, re: Special Permit application
Peabody Municipal Light Plant, 201 Warren Street Extension, re: Public Officials Questionnaire – Public Awareness Program
Councillor Ryan Melville re: Framework for Revision of Special Permit Application

TAXI/LIMO DRIVER LICENSE:

David Claffey – License 2
Robert Ruest – License 3

ENTERTAINMENT LICENSE:

Gallo Nero Pizzeria, 89 Main Street

CLASS 2 MOTOR VEHICLE LICENSE: (Renewal for 2022)

Elite Motor Cars, 93 Lynn Street