REGULAR MEETING OF THE PEABODY CITY COUNCIL
JUNE 23, 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.

P446-22 COUNCILLOR GOULD – MOVE TO receive and approve, as amended, the minutes from the Regular Meeting of June 9, 2022.
(Carried 11-0)

P447-22 COUNCILLOR GAMACHE – MOVE TO go to Item 10-A Mayor's Veto Message – Council Motion P331-22.
(Unanimous)

(MAYOR BETTENCOURT APPEARED TO SPEAK REGARDING ITEM 10-A)

MAYOR'S VETO MESSAGE:
Submitting in response to the following City Council Motion of May 12, 2022, regarding Motion P331-22, as in accordance with the City Charter, Section 9: "P331-22 COUNCILLOR TURCO – MOVE TO request that His Honor the Mayor appropriate $52,000, plus the cost of employee benefits, to fund the position of Attorney of the Peabody City Council beginning in Fiscal Year 2023."

P448-22 COUNCILLOR TURCO – MOVE TO sustain the Mayor's Veto Message – Motion P331-22. (The Mayor's Veto Message was sustained and not overridden on a 10-0 vote; Councillor Manning-Martin absent)

HEARINGS

A public hearing was duly held on Zoning Amendment – Amend Section 4.2.6 Industrial under Schedule of Use Regulations by adding as a matter of by right "Food processing, wholesale, provided all work including storage is carried on inside a building that does not exceed 50,000 square feet" in the BR-1 Zoning District. Atty. John Keilty appeared to speak on behalf of the request. Curt Bellavance, Director of Community Development & Planning, appeared to speak on behalf of the City. No one appeared to speak in favor. No one appeared to speak in opposition.

P449-22 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-D communication from Curt T. Bellavance, Dir., Community Development & Planning, regarding Proposed zoning amendment (Food Processing).
(Unanimous)

P450-22 COUNCILLOR GAMACHE – BE IT ORDAINED by the City Council of the City Peabody as follows:

That the Zoning Ordinance of the City of Peabody entitled Zoning Ordinance – 2011, as amended, is hereby further amended as follows and that said Zoning Amendment be adopted as amended and read:

SECTION ONE: By amending Section 4.2.6 Industrial under Schedule of Use Regulations by adding as a matter of by right "Food processing, wholesale, provided all work including storage is carried on inside a building that does not exceed 50,000 square feet" in the BR-1 Zoning District.

SECTION TWO: By amending Section 2 Definitions adding the following language to Definitions:

Food Processing – An act or method of cooking, treating, preparing, or converting raw food products resulting in a desired end product ready for market and for use and consumption, but distinguished from commissary kitchen, by not featuring kitchens for catering.

Wholesale – The act of selling to retailers and jobbers, rather than to consumers as retail, goods in gross and not in small quantities directly to consumers.

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 10-1; Councillor O'Neill opposed)

AMENDMENT BY COUNCILLOR O'NEILL – MOVE TO amend the motion as follows: By striking the words "by adding as a matter of by right," and inserting the words "by adding subject to special permit."
(Failed 7-4; Councillor Welton, Councillor O'Neill, Councillor McGinn, and Councillor Turco voting in favor)

(COUNCILLOR DAIGLE RECUSED HERSELF FROM THE FOLLOWING HEARING.)

A public hearing was duly held on Zoning Map Amendment to include within the Mill Overlay District the following location: Assessors Map 053, Parcel 087, and numbered 58 Pulaski Street. Curt Bellavance, Director of Community Development & Planning, appeared to speak on behalf of the City. No one appeared to speak in favor. Atty. Michael Tucker, on behalf of Wayside Trailers, appeared to speak in opposition.

P451-22 COUNCILLOR PEACH – MOVE TO recess the public hearing on Zoning Map Amendment until the next regular meeting on Thursday, July 14, 2022.
(Carried 11-0)

A public hearing was duly held on the application filed by Ron Boyd, 27 Howley Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Ron Boyd. No one appeared to speak in favor. No one appeared to speak in opposition.

P452-22 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, the following communications:

Item 8-E Andrew Levin, Senior Planner, re: Special Permit application – 27 Howley Street
Item 8-F Sharon Cameron, Director of Health, re: Various departmental responses: 91 Lynnfield Street; 27 Howley Street; Zoning Map Amendment – Mill Overlay District (MOD)
(Unanimous)

P453-22 COUNCILLOR PEACH – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Ron Boyd, 2 Harvard Street, Peabody, MA, for a Special Permit to operate an automotive repair service facility specializing in motorcycle repair and sales in a GBD Zoning District, at 27 Howley 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 hours of operation are Monday through Friday from 8:00 a.m. to 6:00 p.m.; Saturday from 8:00 a.m. to 4:00 p.m. and no Sunday hours;
2. There will be no outdoor storage;
3. There will be no snow storage on the North River side of the property;
4. Per Conservation Commission, The property owner should have spill containment kits on site at all times;
5. Per Conservation Commission, Engine repair and oil changes should use catchment vessels and absorption pads as needed and discussed with the property owner on 6.2.22;
6. Per Conservation Commission, All fluids should be stored per Peabody Fire Department requirements and be stored on oil containment pads;
7. Per Conservation Commission, No outdoor storage of material, oil drums, etc.;
8. Per Conservation Commission, No work is allowed outside;
9. Per Conservation Commission, The Building Department should sign off on proposed use;
10. Per Conservation Commission, No vehicle washing is allowed outside per local stormwater ordinance; and
11. The dumpster, or any trash receptacles, may not be stored on the side of the property abutting the North River.

(Carried 11-0)

A public hearing was duly held on the application filed by Ron Boyd d/b/a Boyd Cycles, Inc., 27 Howley Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Ron Boyd. No one appeared to speak in favor. No one appeared to speak in opposition.

P454-22 COUNCILLOR PEACH – MOVE TO approve the application from Ron Boyd d/b/a Boyd Cycles, Inc., 27 Howley Street, Peabody, MA, for the transfer of a Class 2 Motor Vehicle License at said 27 Howley Street, Peabody, MA, with the same conditions and subject to all papers being in order.
(Carried 11-0)

A public hearing was duly held on the application filed by Charles E. Holden, 91 Lynnfield Street, Peabody, MA. Appearing to speak on behalf of the application was Atty. Charles Martins and Mr. Charles Holden. No one appeared to speak in favor. No one appeared to speak in opposition.

P455-22 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, late communication Item 7 from Lucia DelNegro, Conservation Agent, regarding 99 Lynnfield OOC Holden Oil.
(Unanimous)

P456-22 COUNCILLOR WELTON – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Charles E. Holden, 91 Lynnfield Street, Peabody, MA, for a Special Permit to remove the existing propane filing structure and replace the same with a new one-story structure at said 91 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. Per Health Department, Rodent control measures must be implemented a minimum of 14 days prior to removal of existing structure; and
2. Small portable propane tanks will continue to be palletized and stored outdoors, as required by Fire Department regulations.

(Carried 11-0)

REPORTS OF COMMITTEE

LEGAL AFFAIRS COMMITTEE
JUNE 23, 2022

P457-22 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – The Legal Affairs Committee met this evening. In attendance were committee members: Councillor McGinn, Councillor Peach, Councillor Rossignoll, and Councillor Turco. We were also joined by all remaining members of the council. We had one agenda item, which was to review the council's approval for the Mayor to execute a Purchase and Sale Agreement for the property, which is located at 156(R) Bartholomew Street. The property is currently owned by the Downey Family. The Downeys approached the city to see if there was any interest to purchase this parcel from them. The purpose of the city buying this land would be to create open space and would be recorded in the deed in such manner. The purchase price of the property is $40,000 with an additional $15,000 allocated for closing costs. The funds for the purchase of this property have been approved by the Community Preservation Committee in November of 2021. Lastly, the City Council approved the $65,000 fund transfer from CPC Open Space in December of 2021. Mayor Bettencourt appeared before the committee and gave us a brief overview of the purchase. Once again, this is just to kind of button up and allow the Mayor to executive the Purchase and Sale Agreement. The Committee voted five to zero in favor of this motion. (Report received)

P458-22 COUNCILLOR O'NEILL – Reporting for the Legal Affairs Committee – MOVE TO authorize His Honor the Mayor to enter into a Purchase and Sale Agreement for property located at 156(R) Bartholomew Street.
(Carried 11-0)

MOTIONS, ORDERS AND RESOLUTIONS

P459-22 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, late communication Item 4 from Brian Barrett, Assistant City Solicitor, regarding Response to Charter motions made May 17, 2022, and refer to the Committee of the Whole.
(Unanimous)

P460-22 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, late communication Item 3 from Allyson M. Danforth, City Clerk, regarding 051722 Committee of the Whole – Charter Review and refer to the Committee of the Whole.
(Unanimous)

P461-22 COUNCILLOR WELTON – MOVE TO receive and approve, under suspension of the rules, the following Item 9-A Block Party, subject to all papers being in order:

31 Donna Street to 33 Donna Street – July 16, 2022
37 Rockway to end of street – July 3rd, 2022
(Unanimous)

P462-22 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, late communication Item 2 Entertainment License (New) from Toscana Forno, 139 Lynnfield Street, and set up a public hearing.
(Unanimous)

P463-22 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 8-B from Carole Saslaw, Peabody Fire Prevention Bureau, regarding Motion P310-21; Aggregate Blasting Complaints and refer to the Ad Hoc Committee on Aggregate Industries.
(Unanimous)

P464-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-C from Southcoast Moving, Storage & Property Management, LLC, 119 Rear Foster Street, Building 4, regarding Special Permit application and set up a public hearing.
(Unanimous)

{Item 10-A Peabody Children's Museum}
P465-22 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Article V entitled "Revolving Fund" of the Code of the City of Peabody be adopted as advertised and read.
(Carried 9-2; Councillor Manning-Martin and Councillor Turco opposed)

P466-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 5 from His Honor the Mayor regarding Cable Fund Expense; $120,000.00 and refer to the Finance Committee.
(Unanimous)

P467-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 6 from His Honor the Mayor regarding CPC Emerson Cemetery Restoration; $14,245 and refer to the Finance Committee.
(Unanimous)

P468-22 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, late communication Item 1 from JG Backland Realty Trust, 190 (R) Newbury Street, regarding Special Permit Application and set up a public hearing.
(Unanimous)

P469-22 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-A communication from Kevin D. White and Tabatha A. White, Managers of White Auto, LLC, 258 Newbury Street, Unit D, regarding Special Permit application and set up a public hearing.
(Unanimous)

P470-22 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 9-B Class 2 Motor Vehicle License (New) White Auto, LLC, 258 Newbury Street, Unit D and set up a public hearing.
(Unanimous)

P471-22 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, the following Item 9-C Taxicab Driver License, subject to all papers being in order:

Twila Gail Kontis -License 4
Howard Bent -License 5
Shane Kieran -License 6
(Unanimous)

P472-22 COUNCILLOR TURCO (Co-motion Councillor Welton) – MOVE TO request that the Public Services Department paint a “Stop” line at the end of Martinack Avenue.
(Unanimous)

P473-22 COUNCILLOR TURCO (Co-motion Councillor Welton) – MOVE TO request that the Public Services Department remove all of the broken pieces of asphalt berm in front of 13 Krochmal Road.
(Unanimous)

P474-22 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 7-A from His Honor the Mayor, regarding Mayor's Veto Message - Refer the issue of retaining legal representation for the City Council and establishing its structure to the Legal Affairs Committee to discuss amending Article II, Section 2-12 (P332-21) and refer to the next Regular Meeting of the City Council.
(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, JUNE 29, 2022
RETURNED BY HIS HONOR THE MAYOR, JUNE 295, 2022

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

COMMUNICATIONS:

His Honor the Mayor re: Mayor's Veto Message – Refer the issue of retaining legal representation for the City Council and establishing its structure to the Legal Affairs Committee to discuss amending Article II, Section 2-12 (P332-21)
Kevin D. White and Tabatha A. White, Managers of White Auto, LLC, 258 Newbury Street, Unit D, re: Special Permit application
Carole Saslaw, Peabody Fire Prevention Bureau, re: Motion P310-21; Aggregate Blasting Complaints
Southcoast Moving, Storage & Property Management, LLC, 119 Rear Foster Street, Building 4, re: Special Permit application
Curt T. Bellavance, Dir., Community Development & Planning, re: Proposed zoning amendment (Food Processing)
Andrew Levin, Senior Planner, re: Special Permit application – 27 Howley Street
Sharon Cameron, Director of Health, re: Various departmental responses: 91 Lynnfield Street; 27 Howley Street; Zoning Map Amendment – Mill Overlay District (MOD)

BLOCK PARTY:

31 Donna Street to 33 Donna Street – July 16, 2022
37 Rockway to end of street – July 3rd, 2022

CLASS 2 MOTOR VEHICLE LICENSE: (New)

White Auto, LLC, 258 Newbury Street, Unit D

TAXICAB DRIVER LICENSE:

Twila Gail Kontis – License 4
Howard Bent – License 5
Shane Kieran – License 6