

REGULAR MEETING OF THE PEABODY CITY COUNCIL
AUGUST 25, 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.

P526-22 COUNCILLOR GOULD – MOVE TO receive and approve the record of minutes from the Regular Meeting of July 14, 2022.
(Unanimous)

HEARINGS

(COUNCILLOR DAIGLE RECUSED HERSELF FROM THE FOLLOWING HEARING 4-A)

The City Council reconvened the recessed public hearing on the Proposed Zoning Amendment to include within the Mill Overlay District the following location: Assessors Map 53, Parcel 87, and numbered 58 Pulaski Street. Curt Bellavance, Director of Community Development & Planning, appeared to speak on behalf of the City. Atty. William Sheehan, on behalf of VRRM, LLC, and Sideways, LLC, appeared to speak in favor. Mr. Russell Donovan, 12 Quail Road, Peabody, MA, appeared to speak in opposition.

P527-22 COUNCILLOR PEACH – BE IT ORDAINED by the City Council of the City of 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 advertised and read:

SECTION ONE: That the Zoning Map of the City of Peabody entitled, City of Peabody Zoning Map Adopted April 28, 2011, as amended, is hereby further amended as follows:

To include within the Mill Overlay District the following location:
Assessors Map 053, Parcel 087, and numbered 58 Pulaski Street

SECTION TWO: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE: This ordinance shall take effect as provided by law.
(Carried 10-0; Councillor Daigle recused)

A public hearing was duly held on the Proposed Zoning Amendment to amend Section 4.2.5 Business under Schedule of Use Regulations by adding as a use allowed by Special Permit (SP) "Bakery, Retail" in

the BR-1 Zoning District. Appearing to speak on behalf of the amendment was Attorney John R. Keilty on behalf of Sanjeev Sood. No one appeared to speak in favor. No one appeared to speak in opposition.

P528-22 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-C communication from Planning Board regarding Proposed Zoning Amendment – BR1 District.
(Unanimous)

P529-22 COUNCILLOR GAMACHE – BE IT ORDAINED by the City Council of the City of 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 advertised and read:

SECTION ONE: By amending Section 4.2.5 Business under Schedule of Use Regulations by adding as a use allowed by Special Permit (SP) “Bakery, Retail” in the BR-1 Zoning District.

SECTION TWO: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION THREE: This ordinance shall take effect as provided by law.
(Carried 11-0)

P530-22 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Late 3 communication from Atty. John Keilty, 40 Lowell Street, Peabody, MA, regarding 190(R) Newbury Street; request to continue public hearing until Thursday, September 8, 2022.
(Unanimous)

P531-22 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, Late 1 communication from Atty. John Keilty, 40 Lowell Street, Peabody, MA, regarding Zoning Amendment; 14 Pine Street; request to continue public hearing until Thursday, September 22, 2022.
(Unanimous)

A public hearing was duly held on the application filed by LA Holdings, LLC, 29 Newbury Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney Athan Vontzalides and Mr. Peter Blaisdell. No one appeared to speak in favor. No one appeared to speak in opposition.

P532-22 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by LA Holdings, LLC, 29 Newbury Street, Peabody, MA, for a Special Permit for the use of the premises for an automobile service station without the sale of gasoline consisting of automotive repairs, automotive body work & painting, and automotives sales, at 29 Newbury Street, Peabody, MA, as filed in accordance with Sections 1.5, 4, 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. There will be no offloading of vehicles on Route 1; and
2. The applicant will satisfy the requirements of Section 6.9 of the Peabody Zoning Ordinance with respect to the use of oil and hazardous materials.

(Carried 11-0)

A public hearing was duly held on the application filed by Seaside Movers, LLC, 63 Fulton Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney John Keilty and Mr. Juan Barrios. No one appeared to speak in favor. No one appeared to speak in opposition.

P533-22 COUNCILLOR PEACH – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by Seaside Movers, LLC, 63 Fulton Street, Peabody, MA, for a Special Permit to change use of the premises from a carpet cleaning service to ancillary office and storage for a moving company at 63 Fulton 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. There will be no overnight parking of vehicles on the site;
2. The hours of operation will be Monday through Saturday from 7:00 a.m. to 5:00 p.m. with no Sunday hours; and
3. An Integrated Pest Management Plan must be implemented.

(Carried 11-0)

REPORTS OF COMMITTEE

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE
AUGUST 25, 2022

P534-22 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – We held a meeting this evening. In attendance were Councillor Daigle, Councillor Manning-Martin, Councillor McGinn, and Councillor Rossignoll. Also in attendance were Councillor Peach, Councillor Welton, Councillor O’Neill, Councillor Gamache, Councillor Turco, and Councillor Melville. Attorney Keilty spoke about the reason that he was before us, trying to add another parcel in the Mill Overlay; and we also had Community Development Director Curt Bellavance speak. We had two residents speak in

opposition or questioning what the status was before the Planning Board. The following motions were made. (Report received)

P535-22 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO keep in Committee the Proposed Zoning Amendment – Section 6.16.1 Residential Overlay District; Establishment by adding a parcel of land to the Zoning Map identified as Assessors Map 047, Parcel 025, and numbered 14 Pine Street.
(Unanimous)

P536-22 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO receive, under suspension of the rules, the following communications:

Item 7-D His Honor the Mayor regarding Request for Amendment to Zoning Ordinance -Pyramid Holdings, LLC, 14 Pine Street

Item 8-H Planning Board regarding Proposed Zoning Amendment – Zoning Overlay District
(Unanimous)

COMMITTEE OF THE WHOLE
AUGUST 25, 2022

P537-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – The City Clerk provided the list of motions that were made at the Committee of the Whole meeting for the Charter Review on June 28th. There are only three items that would be reported out of that committee. All three were approved unanimously. (Report Received)

P538-22 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, Late 2 communication from Allyson M. Danforth, City Clerk, regarding 062822 Committee of the Whole – Charter Review Motions.
(Unanimous)

P539-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO request that Assistant City Solicitor Barrett provide the City Council some context or definition under Section 3-6 on page 19, lines 21 and 22, as to what "the selection of city officers by the city council," might entail.
(Unanimous)

P540-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO request that Assistant City Solicitor Barrett provide background for the language under Section 3-6, page 20, line 2, "approval within 3 business days of such adoption or passage."
(Unanimous)

P541-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO request that Assistant City Solicitor Barrett provide the City Council with the types of leave that the mayor may enter into under Section 3-7. (Unanimous)

MOTIONS, ORDERS AND RESOLUTIONS

P542-22 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-E communication from Peabody Downtown Business Coalition, regarding Meeting Minutes: 8/15/22.
(Unanimous)

P543-22 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 7-E communication from His Honor the Mayor regarding his response to the City Council Motion P504-22. (Unanimous)

P544-22 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, Item 8-D communication from GK Liquors, Inc., 23 Central Street, regarding Special Permit Application and set up a public hearing. (Unanimous)

P545-22 COUNCILLOR WELTON - MOVE TO receive, under suspension of the rules, Item 8-I communication from Atty. Donald Conn, City Solicitor, regarding 0 Outlook Avenue, Peabody, MA, and refer to the Legal Affairs Committee. (Unanimous)

P546-22 COUNCILLOR WELTON – MOVE TO receive and approve, under suspension of the rules, Item 9-B Block Party – Lake Shore/Fairview/Lake and Granite/Lake Shore – September 24, 2022 , subject to all papers being in order. (Unanimous)

P547-22 COUNCILLOR O'NEILL – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Proposed Purchase and Sale Agreement – 69 Granite Road and refer to the Legal Affairs Committee. (Unanimous)

P548-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Transfers of Funds – Various Departments Accounts; \$432,700 and refer to the Finance Committee. (Unanimous)

P549-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Transfer of funds – Cable Fund Expense; \$210,950.28 and refer to the Finance Committee. (Unanimous)

P550-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-F communication from His Honor the Mayor regarding Transfers of Funds: CPC – Purchase 69 Granite Road; \$127,900, Historic Preservation; \$4,242.95 and refer to the Finance Committee. (Unanimous)

P551-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-G communication from His Honor the Mayor regarding Transfers of Funds - Various Departments – Salaries and refer to the Finance Committee. (Unanimous)

P552-22 COUNCILOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-A communication from Sita Liquors, Inc., 113-115 Main Street, regarding Special Permit Application and set up a public hearing. (Unanimous)

P553-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 8-G communication from City of Peabody, 10 Main Street, regarding Special Permit Application and set up a public hearing.
(Unanimous)

P554-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 9-A Entertainment License (Transfer & Amendment) Champions Pub, 114 Foster Street, and set up a public hearing.
(Unanimous)

P555-22 COUNCILLOR MCGINN – MOVE TO receive and approve, under suspension of the rules, Item 9-C Lodging House License (Renewal for 2022) Viceroy Peabody, 65 Main Street, subject to all papers being in order.
(Unanimous)

P556-22 COUNCILLOR TURCO – MOVE TO approve, under suspension of the rules, the following Item 9-B Block Party, subject to all papers being in order:

Shannon Drive & Antrim Road - August 7, 2022
Between 31 Benevento and 43 Benevento - August 20, 2022
(Unanimous)

P557-22 COUNCILLOR TURCO – MOVE TO request that the Director of Community Development create a definition and supply a definition to the City Council for the Mill Buildings under the Mill Overlay District.
(Unanimous)

P558-22 COUNCILLOR TURCO – MOVE TO request that His Honor the Mayor and Superintendent Vadala provide the City Council with the line-item expenditures coming out of ESSER funding for both last year and this year.
(Unanimous)

P559-22 COUNCILLOR TURCO - MOVE TO request that His Honor the Mayor provide the City Council with a copy of the contract between the City of Peabody and Atlantic/Cataldo Ambulance.
(Unanimous)

P560-22 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 8-B communication from Atty. Donald Conn, City Solicitor, regarding King Street litigation.
(Unanimous)

P561-22 COUNCILLOR DAIGLE – MOVE TO request an update on the status of the project on King Street from HDG King Street, LLC.
(Unanimous)

P562-22 COUNCILLOR DAIGLE – MOVE TO receive, under suspension of the rules, Item 8-F communication from Steven Firestein, M.A., Volunteer Director, and Dr. Amy Firestein, Volunteer, Clinical Services, Director, regarding Childhood Cancer Awareness Month – September and refer to the Mayor's Office.
(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.

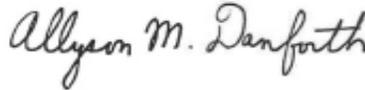
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:05 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, AUGUST 30, 2022

RETURNED BY HIS HONOR THE MAYOR, AUGUST 30, 2022



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

COMMUNICATIONS:

- His Honor the Mayor re: Transfers of Funds – Various Departments Accounts; \$432,700
- His Honor the Mayor re: Transfer of funds – Cable Fund Expense; \$210,950.28
- His Honor the Mayor re: Proposed Purchase and Sale Agreement – 69 Granite Road
- His Honor the Mayor re: Request for Amendment to Zoning Ordinance – Pyramid Holdings, LLC, 14 Pine Street
- His Honor the Mayor re: Response to Council Motion P504-22
- His Honor the Mayor re: Transfers of Funds: CPC – Purchase 69 Granite Road; \$127,900
Historic Preservation; \$4,242.95
- His Honor the Mayor re: Transfers of Funds – Various Departments – Salaries
- Sita Liquors, Inc., 113-115 Main Street, re: Special Permit Application
- Atty. Donald Conn, City Solicitor, re: King Street litigation
- Planning Board re: Proposed Zoning Amendment – BR1 District
- GK Liquors, Inc., 23 Central Street, re: Special Permit Application
- Peabody Downtown Business Coalition re: Meeting Minutes: 8/15/22
- Steven Firestein, M.A., Volunteer Director, and Dr. Amy Firestein, Volunteer, Clinical Services, Director, re: Childhood Cancer Awareness Month - September
- City of Peabody, 10 Main Street, re: Special Permit Application
- Planning Board re: Proposed Zoning Amendment – Zoning Overlay District
- Atty. Donald Conn, City Solicitor, re: 0 Outlook Avenue, Peabody, MA

ENTERTAINMENT LICENSE: (Transfer & Amendment)

Champions Pub, 114 Foster Street

BLOCK PARTY:

Shannon Drive & Antrim Road – August 7, 2022

Between 31 Benevento and 43 Benevento – August 20, 2022

Lake Shore/Fairview/Lake and Granite/Lake Shore – September 24, 2022

LODGING HOUSE LICENSE:

Viceroy Peabody, 65 Main Street