

REGULAR MEETING OF THE PEABODY CITY COUNCIL
OCTOBER 27, 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.

P648-22 COUNCILLOR GOULD – MOVE TO receive and approve, under suspension of the rules, the minutes from the Regular Meeting of October 13, 2022.
(Unanimous)

(COUNCILLOR TURCO RECUSED HIMSELF FROM THE FOLLOWING REPORT OF COMMITTEE AND HEARING 4-A.)

INDUSTRIAL & COMMUNITY DEVELOPMENT COMMITTEE
October 27, 2022

P649-22 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – The Industrial & Community Development Committee met this evening of which I am chairman; also in attendance was Councillor Daigle, Councillor Manning-Martin, Councillor McGinn, and Councillor Rossignoll. Also in attendance, we had a full body of councillors, including President Melville, Councillor Peach, Councillor Welton, Councillor O'Neill, Councillor Gamache, and Councillor Turco. We had a presentation by Attorney Ankeles, who represents the Northshore Mall, on a proposed zoning amendment. There's a lot of details to it and I'm going to read, if it's okay by you, the motion made by Councillor Daigle to advertise. We had by the way, prior to me reading the motion, a great discussion. Councillor McGinn asked very pertinent questions. Mr. Bellavance also made a presentation on behalf of the City, and again, Mr. Ankeles representing the Northshore Mall. The following motion was made.
(Report Received)

P650-22 COUNCILLOR GOULD – Reporting for the Industrial & Community Development Committee – MOVE TO recommend a positive motion regarding a Zoning Ordinance Amendment for Section 2 Definitions adding the definition for a Multiple Retail/Service Complex; Section 4.2.5 Uses, Business adding as a matter of right in the BR Regional Business District: Multiple Retail/Service Complex; Section 9: Parking, 9.2 Schedule of Parking Regulations, by adding parking requirements for a Multiple Retail/Service Complex.
(Carried 10-0; Councillor Turco absent)

HEARINGS

A public hearing was duly held on a proposed amendment to the Zoning Ordinance Section 2 Definitions; Section 4.2.5 Uses, and Section 9: Parking, 9.2 Schedule of Parking Regulations. Attorney David Ankeles appeared to speak on behalf of the amendment. Mr. 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.

P651-22 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, the following late communications:

Item 8-B Andrew Levin, Senior Planner, regarding Proposed Zoning Amendment – Multiple Retail/Service Complex Parking Requirements
Late 5 Atty. David Ankeles regarding PowerPoint Presentation; Multiple Retail/Service Complex (Unanimous)

P652-22 COUNCILLOR DAIGLE – BE IT ORDERED 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:

SECTION ONE: By amending Section 2 Definitions adding the definition for a Multiple Retail/Service Complex as follows: A Multiple Retail/Service Complex shall be defined as a large group of retail service establishments, including but not limited to large and small retail operations, restaurants (excluding drive-throughs) and service establishments, sited on a single parcel of land or immediately adjoining parcels containing a minimum total of ten (10) acres of land and originally planned and built as a single development with immediate adjoining off-street parking spaces and multiple means of access and egress.

SECTION TWO: By adding to Section 4.2.5 Uses, Business the following use as a matter of right in the BR Regional Business District: Multiple Retail/Service Complex

By Amending Section 9 Parking, 9.2 Schedule of Parking Regulations, by adding the following parking requirements for a Multiple Retail/Service Complex: A minimum requirement of “One parking space for each 280 square feet of gross leasable area,” a maximum requirement of “One parking space for each 225 square feet of gross leasable area,” and a comment stating that “Parking should be calculated for the whole retail/service complex and without reference to the multiple uses contained therein.”

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 10-0; Councillor Turco absent)

P653-22 COUNCILLOR GAMACHE – MOVE TO receive and approve, 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, November 10, 2022. (Unanimous)

REPORTS OF COMMITTEE

COMMITTEE OF THE WHOLE
October 11, 2022

P654-22 COUNCILLOR MELVILLE – Reporting the for Committee of the Whole – MOVE TO receive, under suspension of the rules, Item 8-D communication from Allyson M. Danforth, City Clerk, regarding 101122 Committee of the Whole-Charter Review Motions and refer to the Committee of the Whole. (Unanimous)

P655-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – We had a very good meeting. I'm going to report out the specific motions that are going to require the Assistant City Solicitor's actions. Briefly on the meeting, we finished Article 3, which was dealing with the Mayor based off of information that we had received from the Assistant City Solicitor. We then delved into Article 4 and Article 5. Article 4 dealt with the School Committee and Article 5 was other elected officials. During that meeting Councillor Turco presented some legal information regarding litigation around school committees based off of ward. We received that, and the first motion is a motion by Councillor Turco which carried eight to zero in the subcommittee. The following motion was made. (Report received)

P656-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO request that Assistant City Solicitor Barrett provide the City Council with a legal opinion regarding the litigation cited in late communication Item 1 from Councillor Turco as to whether the City of Peabody would be held in the same category as the cities and towns mentioned in the articles.
(Unanimous)

P657-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – That was our first motion that we're reporting out of that subcommittee. The second motion was from Councillor McGinn that was carried eight to zero. The following motion was made. (Report received)

P658-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO request that Assistant City Solicitor Barrett provide the City Council with a legal opinion regarding Sections 5-1(c) Compensation and whether there are limitations according to Chapter 286 of the Acts of 1951.
(Unanimous)

P659-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – The third item that we'll be reporting out was a motion by Councillor Manning-Martin that carried eight to zero. The following motion was made. (Report received)

P660-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – MOVE TO request that Assistant City Solicitor Barrett provide the City Council with a legal opinion regarding whether there are limitations to changing the term of light commissioner according to Chapter 286 of the Acts of 1951.
(Unanimous)

P661-22 COUNCILLOR MELVILLE – Reporting for the Committee of the Whole – I thought it was a very productive meeting, and we're going to be sending out the edits to the actual document as we move along. It takes some time to do so. And then once I get some information from Assistant City Solicitor Barrett that he's made some progress on some of these, I'll schedule the next meeting. I'm hoping to have another one, maybe two, before the end of the year. We made a lot of progress in the last meeting, so that would be my goal. (Report received)

MUNICIPAL SAFETY COMMITTEE

OCTOBER 27, 2022

P662-22 COUNCILLOR MANNING-MARTIN – Reporting for the Municipal Safety Committee – The Municipal Safety Committee with myself as chair and members councillors: Gamache, Gould, Rossignoll, and Welton met this evening to discuss the MassDOT presentation of the safety improvements for Route 114. And, ultimately, all the members of the council were present and a lot of members of the public were also in attendance this evening. The matter was a follow-up from an issue that was brought up last winter about safety concerns and the dangerousness of Route 114. And in attendance this evening as well was Representative Walsh, Representative Kerans, and Senator Lovely. Councillor Saslaw as well as members of the public addressed the Council with concerns to include family members who had lost loved ones on this dangerous stretch of road. A team from MassDOT presented a very technical analysis

conducted by traffic engineers and traffic planners. MassDOT presenters acknowledged their communication and implementation of these changes was poor and will plan better as they move forward. There have been short-term changes that have been implemented as a pilot plan under Tier 1 with potential tweaking or even elimination should these changes not accomplish what they had planned. The purpose of these changes is to reduce speed and reduce fatal accidents. There was a lot of good dialogue among tonight's participants, feedback, and commitment from MassDOT to continue to work with our state representatives and City Council to make improvements that work for all of us while keeping drivers safe. Tier 2 is planned to begin next summer. Again, after the pros and cons, successes or failures that have been hashed out, MassDOT plans to have future public meetings and public workshops prior to the implementation of Tier 2. The plan that was presented tonight is available online if you Google "Route 114 safety". The MassDOT presentation and plan would be available to you for viewing. The following motions were made. (Report received)

P663-22 COUNCILLOR MANNING-MARTIN – Reporting for the Municipal Safety Committee – Whereas an emergency condition exists affecting the health, safety, and welfare of citizens of the City of Peabody; therefore be it ordered by the City Council of the City of Peabody that a communication be sent to the State Police Danvers Barracks to address the repeated illegal car carrying drop-offs in the middle of Route 114.

(Emergency Preamble - Carried 11-0)

(Motion to adopt – Carried 11-0)

P664-22 COUNCILLOR MANNING MARTIN – Reporting for the Municipal Safety Committee – MOVE TO receive, under suspension of the rules, the following communications:

Late 1 Michelle Pinkham re: Agenda opposed

Late 3 Katie DiTomaso, 28 Lynn Street, re: Unsafe Changes to 114

Late 4 Kayla Sousa, MassDOT re: Updated PowerPoint; Route 114 Safety Improvements Project

Late 6 Rachel Della Croce, 3 Terri Road, re: Photograph

Item 8-A Kayla Sousa, MassDOT, re: Public Safety Committee - 114

(Unanimous)

MOTIONS, ORDERS AND RESOLUTIONS

P665-22 COUNCILLOR GOULD (Co-motion with Councillor Peach) – MOVE TO request that the Public Services Department install a "Caution Children Playing" sign at the intersection of Davis Terrace and Oakland Street.

(Unanimous)

P666-22 COUNCILLOR GOULD (Co-motion with Councillor Peach) – MOVE TO request that Park, Recreation & Forestry Department investigate and possibly remove the tree at the intersection of 2 Shelton Street and 22 Margin Street.

(Unanimous)

P667-22 COUNCILLOR MANNING-MARTIN – MOVE TO receive, under suspension of the rules, Item 8-C communication from Councillor Manning-Martin regarding Charter Review Committee and refer to the Committee of the Whole.

(Unanimous)

{27 Harris Street}

P668-22 COUNCILLOR PEACH – BE IT ORDERED by the City Council of the City of Peabody that an Ordinance Amending Section 19-81 entitled "Parking Prohibited, Handicapped Zone" of the Code of the City of Peabody be adopted as advertised and read.

(Unanimous)

P669-22 COUNCILLOR WELTON (Co-motion with Councillor Turco) – MOVE TO request that the Public Services Department replace bollards along the South Peabody trail and replace the granite road marker at the bottom of Linden Street.

(Unanimous)

P670-22 COUNCILLOR WELTON – MOVE TO request that the Public Services Department shore up the guardrail at Lynnfield Street across from the intersection with Bartholomew Street.

(Unanimous)

P671-22 COUNCILLOR MCGINN – MOVE TO advertise an ordinance amendment to Section 19-94, "Parking prohibited on certain streets," to add Lynn Street, easterly side between 24 and 28 Lynn Street.

(Unanimous)

P672-22 COUNCILLOR GAMACHE (Co-motion with Councillor Daigle) – MOVE TO send a communication to MassHighway to install a "Yield" sign on the on-ramp to Route 1 North as you enter from the West, and also to replace the "Lowell Street" sign that was knocked down on Route 1 at Lowell Street.

(Unanimous)

P673-22 COUNCILLOR GAMACHE – MOVE TO request that the Police Department coordinate with the Public Services Department to reinstall the plastic bollards or reflectors on Lowell Street at Goodale Street.

(Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

None.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Previously received.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

Previously received.

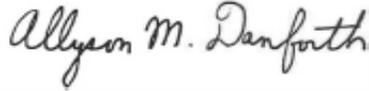
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:10 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, NOVEMBER 1, 2022

RETURNED BY HIS HONOR THE MAYOR, NOVEMBER 1, 2022



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

COMMUNICATIONS:

- Kayla Sousa, MassDOT, re: Public Safety Committee – 114; 2022-10-27 Route 114 Peabody City Council Presentation
- Andrew Levin, Senior Planner, re: Proposed Zoning Amendment – Multiple Retail/Service Complex Parking Requirements
- Councillor Manning-Martin, re: Charter Review Committee
- Allyson M. Danforth, City Clerk, re: 101122 Committee of the Whole – Charter Review Motions