

REGULAR MEETING OF THE PEABODY CITY COUNCIL
NOVEMBER 14, 2024

PRESENT COUNCILLORS: TURCO, ROSSIGNOLL, WELTON, MELVILLE, GAMACHE, MCGINN, DAIGLE, HIGGINS, AND PEACH

ABSENT COUNCILLORS: GOULD AND MANNING-MARTIN

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 Stephanie R. Peach.

Salute to the American Flag.

COUNCILLOR PEACH – 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.

P494-24 COUNCILLOR GAMACHE – MOVE TO receive and approve, under suspension of the rules, the minutes from the Regular Meeting of October 24, 2024.
(Unanimous)

P495-24 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Various appointments.
(Unanimous)

(MAYOR BETTENCOURT AND MR. CONOR MORGAN APPEARED TO SPEAK REGARDING ITEM 7-C)

P496-24 COUNCILLOR GAMACHE – MOVE TO approve the appointment of Conor Morgan, 6 John Wise Avenue, Essex, MA, as Cemetery Superintendent for a one-year term to expire 12/31/2025.
(Carried 9-0; Councillor Gould and Councillor Manning-Martin absent)

(MAYOR BETTENCOURT, MR. JAMES POLITANO, AND MR. ROBERT HARRIS APPEARED TO SPEAK REGARDING ITEM 7-C)

P497-24 COUNCILLOR GAMACHE – MOVE TO approve, under suspension of the rules, the following appointments from His Honor the Mayor under date of October 24, 2024:

<u>NAME:</u>	<u>POSITION:</u>	<u>TERM TO EXPIRE:</u>
James Politano 122 Willow Road Boxford, MA 01921	Facilities Director	12/31/2025 (One-Year Term)
Robert Harris 14 South Shore Avenue Peabody, MA 01960	Assistant Facilities Director	12/31/2025 (One-Year Term)

(Carried 9-0; Councillor Gould and Councillor Manning-Martin absent)

HEARINGS

A public hearing was duly held on Petition #24-179 and #24-181, as submitted by Peabody Municipal Light Plant, 201 Warren Street Extension, Peabody, MA. Appearing to speak on behalf of the application was Mr. James Gomes and Mr. Hussein Karim. No one appeared to speak in favor. No one appeared to speak in opposition.

P498-24 COUNCILLOR HIGGINS – MOVE TO approve Petition #24-179 and Petition #24-181, as submitted by Peabody Municipal Light Plant, 201 Warren Street Extension, Peabody, MA, to install two new poles as follows:

1. Locate a new pole approximately 27 feet from existing Pole #2 Central Street in front of 28 Central Street.
2. For the installation of a Pole, to be designated Pole #9-1 at a point 38 feet East and 33 feet South of the existing location of Pole #9, this being along the Easterly side of Hamilton Road near 14 Hamilton Road.

(Carried 9-0; Councillor Gould and Councillor Manning-Martin absent)

REPORTS OF COMMITTEE

Industrial & Community Development Committee **November 14, 2024**

P499-24 COUNCILLOR MCGINN – Reporting for the Industrial & Community Development Committee – The Industrial & Community Development Committee met earlier this evening. Present for the committee was myself sitting in as chair for Councillor Gould, Councillor Daigle, Councillor Welton, Councillor Gamache sitting in for Councillor Manning-Martin, and Councillor Melville taking that final spot. We had one item on the agenda, which was the Section 3A Zoning Amendment, the MBTA Communities Act. The committee last met on this on October 10th and the purpose of this meeting was to receive an update from Mr. Bellavance from Community Development and he reviewed his submission, which was Item 8-B. (Report received)

P500-24 COUNCILLOR MCGINN – Reporting for the Industrial & Community Development Committee – MOVE TO receive, under suspension of the rules, Item 8-B communication from Curt Bellavance, Dir., Community Development and Planning, regarding MGL Ch. 40A, Section 3A, Zoning Amendment. (Unanimous)

P501-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 1 from Curt Bellavance, Dir., Community Development and Planning, regarding the PowerPoint presentation on compliance with MGL Ch.40A, Section 3A. (Unanimous)

P502-24 COUNCILLOR MCGINN – Reporting for the Industrial & Community Development Committee – Mr. Bellavance went through his presentation, which kind of articulated the changes that have taken place from the initial proposal that was put before the Council in October and in large part it had to do with changes in going from a single district on Dearborn Road to a subdistrict approach, where it would be broken between Dearborn Road and -- a number of other parcels were considered, but, ultimately, the recommended parcel was the Brooksby Village property. Mr. Bellavance explained the various aspects of modeling that needed to take place to consider these various parcels and what led to their recommendation; he also indicated and provided a list of a number of grants that he felt would be at risk if the Council should fail to act on this by the deadline. That was also supported by a brief presentation from the Mayor, who indicated that he thinks this is a demand from the state that has to be met and he also articulated his support for the option 4 proposal that was put forward by Mr. Bellavance. He also indicated his concern that he has for putting grant money at risk. Councillor Melville asked for some specificity around the deadlines and it was reinforced that to be in full compliance Peabody would need to act on this and have closure on it by December 31st of this year 2024. We discussed with the Clerk what that would require, in terms of mechanics of drafting and advertising and so forth to make that happen. It was also mentioned that there would be a Planning Board meeting on the 5th of December so that that could work and help facilitate meeting the end of the year deadline. A number of councillors expressed their gratitude to Mr. Bellavance and his department in working with the consultant RKG to get this a better, more workable product before us for consideration. Councillor Daigle wanted to be certain that property owners would be notified of any potential zoning change and Mr. Bellavance indicated that that

would happen. Councillor Welton kind of dug in on the differences between the initial proposal, which held the potential of an additional 1,700 units plus of units developable, down to the updated proposal, which brings that number down dramatically to 138 units. It also was confirmed that there couldn't be any restrictions put on this -- age restrictions or otherwise. Councillor Rossignoll reiterated his uneasiness with this entire process on the state mandate and the fairness of that and indicated that given the way this has played out, both in Peabody -- and he presented a number of examples of things happening in other communities -- that he would not support it and spelled out his rationale for his principled stand on that position. There were a number of questions about the affordability provision that Councillor Turco had asked that were addressed, and he also indicated his support for option 4, which was put forward. There were a number of edits that were discussed, either in the PowerPoint presentation or -- Mr. Bellavance indicated that he had been in touch with a number of Councillors since the last meeting, myself being one of them. We reviewed all of those proposed language changes. I'm not going through them individually, but we collectively discussed each one of those so that that would be vetted by the full committee and collectively voted on those edits to the option 4 proposal. (Report received)

P503-24 COUNCILLOR MCGINN – Reporting for the Industrial & Community Development Committee – MOVE TO accept the edits discussed during the meeting and refer to the resulting document as the as-modified version of the document.

(Carried 8-1; Councillor Rossignoll opposed; Councillor Gould and Councillor Manning-Martin absent)

P504-24 COUNCILLOR MCGINN – Reporting for the Industrial & Community Development Committee – There were a number of additional opinions, kind of, 30,000 foot level opinions expressed much like we just heard from several councillors, myself included, tending to agree with comments that we just heard a moment ago from the Ward 6 Councillor that we have made some tremendous progress here and that the effective impact on Peabody, given what Peabody has done for housing production over the past many decades, should be pretty minimal. I think I shared that opinion in subcommittee, and, therefore, I'm sharing it in this report. Councillor Melville made the following motion. (Report received)

P505-24 COUNCILLOR MCGINN – Reporting for the Industrial & Community Development Committee – MOVE TO refer option 4, as modified, on the proposed Zoning Amendment (MBTA Community Act) to the Planning Board for action.

(Carried 8-1; Councillor Rossignoll opposed; Councillor Gould and Councillor Manning-Martin absent)

P506-24 COUNCILLOR MCGINN – Reporting for the Industrial & Community Development Committee – MOVE THAT a favorable recommendation is made to the full City Council on option 4, as modified; to draft and advertise the Zoning Ordinance Amendment (MBTA Communities Act); and schedule a public hearing.

(Carried 8-1; Councillor Rossignoll opposed; Councillor Gould and Councillor Manning-Martin absent)

P507-24 COUNCILLOR MCGINN – Reporting for the Industrial & Community Development Committee – Lastly, because this is considered under 40A, Section 5, which has undergone some changes in recent years with respect to what the voting threshold is for housing proposals, the following motion was made. (Report received)

P508-24 COUNCILLOR MCGINN – Reporting for the Industrial & Community Development Committee – MOVE TO request a legal opinion from the City Solicitor on the City Council vote threshold for the zoning amendment (MBTA Communities Act); further, that that opinion be provided in advance of the City Council public hearing.

(Unanimous)

**Finance Committee
November 14, 2024**

P509-24 COUNCILLOR MCGINN – Reporting for the Finance Committee – The Finance Committee met earlier this evening. Present for the committee were Councillors Gamache and Turco, sitting in for Councillor Gould was Councillor Rossignoll, and sitting in for Councillor Manning-Martin was Councillor Higgins, with myself as chair. We had one item on the agenda: Transfer of funds – CPC Bikeway Trails match in an amount of \$160,000 that was presented to us by the Director of Finance, Mr. Gingras. Also present to address any questions that the committee might have had was Mr. Brendan Callahan from the Planning Department. This was a CPC application, which essentially was a 20 percent match for a Mass Trails Grant, so the \$160,000 was able to leverage a \$500,000 grant from Mass Trails. The following motion was made. (Report received)

P510-24 COUNCILLOR MCGINN – Reporting for the Finance Committee – MOVE TO approve, under suspension of the rules, the following transfer, as submitted by His Honor the Mayor, under date of October 17, 2024:

<u>From:</u>		<u>To:</u>	
270-01811-58562	\$160,000.00	270-1811-58562-2025-00-0350	\$160,000.00
CPC - Open Space		CPC - Bikeway Mass Trails Match	
(Carried 9-0; Councillor Gould and Councillor Manning-Martin absent)			

MOTIONS, ORDERS AND RESOLUTIONS

P511-24 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 7-B communication from His Honor the Mayor regarding Apprenticeship Mandate on Public Safety Headquarters.
(Unanimous)

P512-24 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Creative Collective Report for City of Peabody and refer to the Industrial & Community Development Committee.
(Unanimous)

P513-24 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item 8-A communication from J.D. Raymond Transport, Inc., 25 Farm Avenue, regarding Special Permit application.
(Unanimous)

P514-24 COUNCILLOR GAMACHE – MOVE TO request that the Human Resources Director and the Finance Director provide an update to the City Council on the budget numbers regarding the TBAs that were suggested in the budget for FY2025.
(Unanimous)

P515-24 COUNCILLOR HIGGINS – MOVE TO receive and approve, under suspension of the rules, Item 9-A Banner Request - West Memorial School - West Memorial PTO, 15 Bow Street.
(Unanimous)

P516-24 COUNCILLOR HIGGINS – MOVE TO receive, under suspension of the rules, Item 7-D communication from His Honor the Mayor regarding Adopt-a-Cemetery Program for the City of Peabody and refer to the Public Services Committee.
(Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

Previously received.

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

Previously received.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

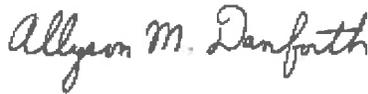
Previously received.

UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 8:40 p.m.

SUBMITTED TO HIS HONOR THE NOVEMBER 20, 2024
RETURNED BY HIS HONOR THE NOVEMBER 20, 2024



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

COMMUNICATIONS:

- His Honor the Mayor re: Creative Collective Report for City of Peabody
- His Honor the Mayor re: Apprenticeship Mandate on Public Safety Headquarters
- His Honor the Mayor re: Various appointments
- His Honor the Mayor re: Adopt-a-Cemetery Program for the City of Peabody
- J.D. Raymond Transport, Inc., 25 Farm Avenue, re: Special Permit application
- Curt Bellavance, Dir., Community Development and Planning, re: MGL Ch. 40A, Section 3A, Zoning Amendment

Banner Request:

West Memorial School – West Memorial PTO, 15 Bow Street