REGULAR MEETING OF THE PEABODY CITY COUNCIL
MAY 9, 2024

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

ABSENT COUNCILLORS: None

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.

P186-24 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the Regular Meeting of April 25, 2024.
(Unanimous)

HEARINGS

A public hearing was duly held on the application submitted by Brodie's Pub, 10 Lowell Street, Peabody, MA. Atty. John Keilty appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P187-24 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 1 from Atty. John Keilty regarding 10 Lowell Street presentation for live entertainment.
(Unanimous)

P188-24 COUNCILLOR MCGINN – MOVE TO continue the public hearing on the application from Brodie's Pub, 10 Lowell Street, Peabody, MA.
(Unanimous)

A public hearing was duly held on the application submitted by Andrew Brancato, 4 Lake Street, Peabody, MA. Mr. Andrew Brancato appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P189-24 COUNCILLOR HIGGINS – BE IT ORDERED by the City Council of the City of Peabody that the application filed by Andrew Brancato, 301 Newbury Street # 204, Peabody, MA, for a Special Permit to operate a wellness clinic at 4 Lake 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 condition:

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. Any signage shall not include the phrases "physical therapist" or "physical therapy."

(Carried 11-0)

REPORTS OF COMMITTEE

Ad Hoc Committee on Aggregate Industries
May 9, 2024

P190-24 COUNCILLOR HIGGINS – Reporting for the Ad Hoc Committee on Aggregate Industries – We had a meeting tonight of the Ad hoc subcommittee on Aggregate Industries and we reviewed the 2023 Annual Report. Councillors: Gamache and Rossignoll were in attendance, as well as Councillor McGinn, Councillor Gould, Councillor Daigle, and Councillor Peach. We discussed a number of items throughout the meeting. We went over all of the major issues involving the quarry as far as air quality, noise quality, water quality, and some of the neighborhood issues that had come up over that 2023 season of blasting. All the departments had reviewed the annual report and found no violations of the special permit. The following motion was made. (Report received)

P191-24 COUNCILLOR HIGGINS – MOVE TO approve the 2023 Aggregate Industries Annual Report with the following recommendations:

1. The notification letter sent to residents regarding the pre-blast property survey needs to be revised to reflect wording contained in the special permit stating "the independent specialist shall submit a copy of the condition survey for each residence surveyed to the homeowner and the Fire Department;"
2. Aggregate Industries should conduct additional noise mitigation efforts to ensure that the 10db increase above background noise is not exceeded for any location for any period of time;
3. The typo in Table 5, Location 4, on page 167 of the report, the -3 value should be corrected to -2;
4. Groundwater sampling from wells should continue to be taken in the springtime. This will allow wells to have adequate groundwater table to help ensure that a sample can be taken and analyzed;
5. Noise monitoring measurements must be conducted twice a year in the spring and fall while the facility is operating; and
6. All conditions of the special permit issued in 2002 must be met going forward.

(Unanimous)

P192-24 COUNCILLOR HIGGINS – MOVE TO receive, under suspension of the rules, late communication Item 3 from Eric Lampedecchio, 3 Madison Avenue, regarding Aggregate Comments.
(Unanimous)

MOTIONS, ORDERS AND RESOLUTIONS

P193-24 COUNCILLOR TURCO (Co-motion with Councillor Welton) – MOVE TO refer a discussion of changes to the definitions of "Trucking Terminal" and "Warehouse Operation" to the Industrial & Community Development Committee and to the Community Development Department with the request that the Community Development Director provide new language with clear differences between the two zoning uses.
(Unanimous)

P194-24 COUNCILLOR TURCO (Co-motion with Councillor Welton) – MOVE TO refer the issue of zoning within the IP Zoning District, specifically Centennial Office Park, to Industrial & Community Development and ask the Community Development Director to appear. Specific changes up for discussion would be limiting warehouse and trucking terminal use; adding restaurant, mixed use, and grocery store use to the use table and any other suggestions by councillors.
(Unanimous)

P195-24 COUNCILLOR TURCO (Co-motion with Councillor Welton) – MOVE TO refer a discussion of issues with the Granite Road/Mountain Terrace project to the Public Services Committee and invite the Public Services Director to discuss resolutions for the current issues with the project.
(Unanimous)

P196-24 COUNCILLOR TURCO (Co-motion with Councillor Welton) – MOVE TO request that Mayor Bettencourt, the Finance Director, and the Superintendent of Schools appear before the Committee of the Whole to discuss the migrant situation, as it pertains to the City of Peabody budget and revenues.
(Unanimous)

P197-24 COUNCILLOR ROSSIGNOLL – MOVE TO receive and approve, under suspension of the rules, the following Item 9-A Junk Dealers License (2024 Renewal), subject to all papers being in order:

The Mod Haus, 58 Pulaski Street, Building C
The Velvet Elvis, 99 Lynn Street
(Unanimous)

P198-24 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-B communication from Robert and Lisa Polignone, 27 Emily Lane, regarding Request to purchase city-owned land at 2 Linda Jean Lane (011-079) and refer to the Legal Affairs Committee.
(Unanimous)

P199-24 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, late communication Item 4 from Alan Titelbaum, 44 Emily Lane, regarding 2 Linda Jean Lane (Goodale Farm Tot lot) and refer to the Legal Affairs Committee.
(Unanimous)

P200-24 COUNCILLOR ROSSIGNOLL – MOVE TO refer the following Motion P178-24 to the Legal Affairs Committee:

> "P178-24 COUNCILLOR ROSSIGNOLL – MOVE TO receive, under suspension of the rules, Item 8-E communication from Curt Bellavance, Dir., Community Development and Planning, regarding City-owned property at 2 Linda Jean Lane (Goodale Farm Tot Lot) Property ID:011-134.
> (Unanimous)"

(Unanimous)

P201-24 COUNCILLOR WELTON – MOVE TO request that the City Clerk affix the license conditions of the Junk Dealers License issued to The Velvet Elvis, 99 Lynn Street, with the 2024 license renewal.
(Unanimous)

P202-24 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, Item 8-A communication from Atty. John Keilty, on behalf of Lynnfield Street Holdings, LLC, 143 Lynnfield Street, regarding Request for Amendment to Zoning Ordinance, send to the Planning Board, refer to the Industrial & Community Development Committee, and set up a public hearing.
(Unanimous)

P203-24 COUNCILLOR WELTON – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Friends of the North Shore Children's Museum, Inc. - 501(c)(3) tax exempt status.
(Unanimous)

P204-24 COUNCILLOR MELVILLE – MOVE TO receive, under suspension of the rules, late communication Item 2 from Stephen J. Patten, Veteran's Agent, regarding Acceptance of MGLc59 Sections 22G & 22H and refer to the Finance Committee.
(Unanimous)

P205-24 COUNCILLOR GAMACHE – MOVE TO request that the Building Inspector issue notice to the owner of 4 Wheatland Street to have this building demolished.
(Unanimous)

{Item 10-A Lincoln Street}
P206-24 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 19-126 entitled "Obedience to Isolated Stop Signs" of the Code of the City of Peabody be adopted as advertised and read.
(Carried 11-0)

{Item 10-B School Street}
P207-245 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that An Ordinance Amending Section 19-126 entitled "Obedience To Isolated Stop Signs" of the Code of the City of Peabody be adopted as advertised and read.
(Carried 11-0)

P208-24 COUNCILLOR GOULD (Co-motion with Councillor Peach) – MOVE TO request that the Park, Recreation & Forestry Department take a look at a tree at 23 Newcastle Road for possible removal.
(Unanimous)

P209-24 COUNCILLOR GOULD (Co-motion with Councillor Peach) – MOVE TO have the Public Services Department take a look at the sidewalk in front of 23 Newcastle Road.
(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 8:00 p.m.

SUBMITTED TO HIS HONOR THE MAY 14, 2024
RETURNED BY HIS HONOR THE MAY 14, 2024

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

COMMUNICATIONS:
His Honor the Mayor re: Friends of the North Shore Children's Museum, Inc. – 501(c)(3) tax exempt status
Atty. John Keilty, on behalf of Lynnfield Street Holdings, LLC, 143 Lynnfield Street, re: Request for Amendment to Zoning Ordinance
Robert and Lisa Polignone, 27 Emily Lane, re: Request to purchase city-owned land at 2 Linda Jean Lane (011-079)
JUNK DEALERS LICENSE: (2024 Renewal)
The Mod Haus, 58 Pulaski Street, Building C
The Velvet Elvis, 99 Lynn Street