

**SPECIAL MEETING OF THE PEABODY CITY COUNCIL**  
**AUGUST 29, 2023**

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

ABSENT COUNCILLORS: None.

COUNCILLOR WELTON – 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.

Special Meeting of the Peabody City Council was called to order by City Council President, Craig Welton, for the purpose of conducting various public hearings.

(COUNCILLOR O'NEILL RECUSED HIMSELF FROM THE FOLLOWING HEARING.)

A public hearing was duly held on the application submitted by Lofa Auto Body, LLC, 55R Walnut Street, Peabody, MA. Mr. Samuel Guwor and Mr. Festus Kromah appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P619-23 COUNCILLOR PEACH – MOVE TO receive, under suspension of the rules, late communication Item 1 from Lofa Auto Body, 55R Walnut Street, regarding Lofa Auto Floor Plan.  
(Unanimous)

P620-23 COUNCILLOR PEACH – MOVE TO approve the application submitted by Lofa Auto Body, LLC, 55R Walnut Street, Peabody, MA, for the transfer of a Class 2 Motor Vehicle License at said 55R Walnut Street, Peabody, MA, with the following conditions and subject to all papers being in order:

1. There will be a maximum number of two (2) vehicles for sale at any one time; and
2. All vehicles (for sale, employees, undergoing work, etc.) must be kept on property, and no vehicles to be parked or stored in the Railroad right-of-way or within the accessway to the property; and
3. The parking plan submitted by the applicant will be made part of this license.

(Carried 10-0; Councillor O'Neill recused)

A public hearing was duly held on the application submitted by 5 Star Rims Corporation, 100 Birney Street, Unit A1, A2, and A3, 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.

P621-23 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by 5 Star Rims Corporation, 100 Birney Street, Unit A1, A2, and A3, Peabody, MA, for a Special Permit to operate an auto body in a Light Industrial Zoning District at 100 Birney Street, Units A1, A2 & A3, 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 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. In accordance with Health Department guidance, applicant shall install and maintain all necessary equipment and shall develop and follow operational procedures to prevent operations from emitting fumes, particulate matter or in any other way creating nuisance conditions for residential abutters. This includes but is not limited to procedures relative to

frequency and method of filter changes. This includes but is not limited to procedures relative to capture and disposal of any automotive fluids, paints and other potentially hazardous materials;

2. The Massachusetts Clean Auto Repair (MassCAR) Guide is available at <https://www.mass.gov/guides/the-massachusetts-clean-auto-repair-masscar-guide> . In accordance with Health Department guidance, on an ongoing basis, applicant shall utilize the MassCAR Checklist available at <https://www.mass.gov/doc/masscar-checklist/download> . The applicant shall submit a completed version of the MassCAR Checklist to the Health Department annually;
3. All work operations shall be conducted inside the building with the outside doors closed. This includes washing of vehicles and handling of automotive fluids and applicant will install proper indoor facilities, including water and oil separator to accommodate this work;
4. All flammable liquids shall require storage permits and there shall be no indoor storage of flammables and combustibles without a permit. Applicant shall obtain all necessary permits from the Fire Department including, but not limited to welding permit and flammable permit(s);
5. There shall be no storage of junk, scrap metal, rags, waste papers and/or other hazardous materials;
6. The dumpster shall remain closed at all times and the applicant shall submit an integrated pest management plan to the Health Department for the dumpster and the premises. Any materials stored in the building must be managed to prevent nuisance conditions such as dust, odor, and rodent harborage;
7. Outdoor storage is limited to storage of passenger vehicles utilizing the eleven (11) parking spaces indicated on the site plan dated January 3, 2023. All other storage of passenger vehicles shall be inside the building. The adjacent 'right of way' area shall be kept clear and shall not be utilized for storage of vehicles or any other purpose. Any unpermitted offsite storage of vehicles by applicant shall be considered a violation of this special permit;
8. In accordance with the application, hours of operation shall be Monday through Friday 7:00 a.m. to 6:00 p.m. and Saturday 7:00 a.m. to 2:00 p.m.;
9. The wooden storage facility shall be repaired subject to inspection by the office of the Building Commissioner; and
10. Alleged violations of special permit conditions may result in a show cause hearing at the City Council.

(Carried 11-0)

A public hearing was duly held on the application submitted by NARSA AMC, LLC, d/b/a Auto Mall Collection, 218 Andover 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.

P622-23 COUNCILLOR DAIGLE – MOVE TO approve the application submitted by NARSA AMC, LLC, d/b/a Auto Mall Collection, 218 Andover Street, Peabody, MA, for the transfer of a Class 2 Motor Vehicle License at said 218 Andover Street, Peabody, MA, with the following conditions and subject to all papers being in order:

1. There will be a maximum number of thirty-five (35) unregistered vehicles on the premises at any time for sale or not for sale, sold or not sold; and
2. There will be no repairs of any kind on site.

(Carried 11-0)

(COUNCILLOR MANNING-MARTIN RECUSED HERSELF FROM THE FOLLOWING HEARING.)

A public hearing was duly held on the application submitted by John Roche/Manager-CollabDev1, LLC, 1 Newbury Street, Lot 2, Assessors Map 88, Parcel 008X, Peabody, MA. Mr. Casey Burch appeared to speak on behalf of the application. No one appeared to speak in favor. No one appeared to speak in opposition.

P623-23 COUNCILLOR GAMACHE – MOVE TO receive, under suspension of the rules, Item E communication from Sam Malafronte, Solli Engineering, on behalf of John Roche/Manager-Collabdev1, LLC, 1 Newbury Street, regarding Various documents.  
(Unanimous)

P624-23 COUNCILLOR GAMACHE – BE IT ORDERED by the City Council of the City of Peabody that the application submitted by John Roche/Manager-CollabDev1, LLC, 1 Newbury Street, Lot 2, shown on Assessors Map 88, Parcel 008X, Peabody, MA, for a Special Permit to develop an outparcel proposing to construct a coffee shop with an associated drive-through use in a BR1 Zoning District. The project proposes to render impervious surfaces greater than 15% or 2,500 square feet of the lot. A stormwater management infiltration basin is proposed as part of the project to recharge stormwater runoff back into the ground at 1 Newbury Street, Lot 2, shown on Assessors Map 88, Parcel 008X, Peabody, MA, as filed in accordance with Sections 4.2.5, 6.9.5(30), 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 Project proposes a total disturbance of 1.15 acres; prior to construction, a SWPP will be developed by the applicant's engineer, and a Notice of Intent will be filed with the EPA. Upon submission to the EPA, a copy will be provided to the City of Peabody;
2. The applicant will have an easement for long-term maintenance of the infiltration system in place before the issuance of an occupancy permit;
3. The applicant will have an Illicit Discharge Compliance Statement signed by the owner to be provided to the city prior to the discharge of any stormwater to post-construction best management practices;
4. A bed bottom inspection of the infiltration system shall be coordinated with the Department of Public Services 48 hours in advance of the open pit and the inspection will be made with the pit/trench free of materials installed;
5. The Water and Sewer lines that will be installed (outside of the plumbing department's purview) must be inspected by a representative of Department of Public Services before the trench is closed;
6. The applicant's water line shall be chlorinated, and pressure tested. All testing shall be submitted to and approved by Department of Public Services prior to activating the new section;
7. The new sewer lateral will be tested and confirmed to hold tight by applicant's contractor after installation. Testing will be approved by Department of Public Services prior to activating;

- 8. The applicant has estimated its water usage at 1,250 gallons per day and therefore its sewer loading. The applicant will be required to remove 200% of these additional flows through either an inflow/infiltration (I/I) project assigned by the city or through a monetary payment into the City's I/I removal fund. The applicant shall provide a check to the City of Peabody in the amount of \$12,500, to be submitted within 14 days of the receipt of a building permit;
- 9. The applicant shall supply a full set of as-built drawings to the engineering department of DPS upon completion of the improvements and before application of Certificate of Completion;
- 10. Any state curb cut/permits required should be obtained by applicant, (if applicable);
- 11. The applicant shall complete plan review with the Health Department;
- 12. Hours of operation will be Monday through Saturday from 5:00 a.m. to 10:00 p.m. and Sunday from 5:00 a.m. to 9:00 p.m.;
- 13. Construction hours of operation will be Monday through Friday from 7:00 a.m. to 6:00 p.m.; Saturday from 9:00 a.m. to 6:00 p.m.; no Sundays or holidays; and
- 14. Any change of ownership or change of use will require a Special Permit amendment hearing for the drive-through use.

(Carried 10-0; Councillor Manning-Martin recused)

MOVED: MOVE TO adjourn. Special Meeting of the Peabody City Council adjourned at 8:45 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, SEPTEMBER 1, 2023  
RETURNED BY HIS HONOR THE MAYOR, SEPTEMBER 1, 2023



ATTEST \_\_\_\_\_  
(Allyson M. Danforth, City Clerk)