

FILING REQUIREMENTS:

****IMPORTANT NOTATION REGARDING THE SPECIAL PERMIT PROCESS – THE CITY COUNCIL MUST FORMALLY RECEIVE THE SPECIAL PERMIT APPLICATION AT A REGULARLY SCHEDULED MEETING PRIOR TO A LEGAL AD BEING PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION. SAID LEGAL NOTICE MUST BE PUBLISHED FOR TWO CONSECUTIVE WEEKS WITH THE FIRST AD BEING PUBLISHED AT LEAST 14 DAYS PRIOR TO THE PUBLIC HEARING. AFTER THE CITY COUNCIL ACTS ON THE SPECIAL PERMIT, A SPECIAL PERMIT DECISION IS FILED IN THE CITY CLERK’S OFFICE, AND THERE IS A 20 DAY APPEAL PERIOD FROM THE FILING DATE OF SAID DECISION TO THE TIME THAT AN APPLICANT CAN OBTAIN A BUILDING/OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR. IT’S AT THE BUILDING INSPECTOR’S DISCRETION TO ISSUE THE SAME.**

➤ **The Special Permit application must be in the name of the individual/s or business entity that will be operating the use being applied for.**

1. Before submitting said application to the City Clerk, the following shall be included:
 - (a) An application fee for **one-hundred dollars (\$100.00)**
 - (b) Legal advertisement fee to be determined at the time of application.
 - (c) The signature page signed by the applicant (Blue Ink Only) and signature notarized
 - (d) The signature page signed by the property owner (Blue Ink Only) and signature notarized
 - (e) The signature page signed by the Building Commissioner indicating the application is valid
 - (f) The original application with original signatures must be filed with the City Clerk
 - (g) Twenty (20) legible copies of a site plan and/or Building Permit Plan must be submitted showing the land affected where new construction is planned or any alterations to the exterior of an existing building signed and stamped by a registered architect or professional engineer.
 - (h) Certified plot plan or site plan of the location.
 - (i) **A detailed, written description consisting of 300 words or less of the proposed request shall be attached to the application as part of the Special Permit filing process if item 12-A on the application is not completed. The application will not be accepted without said written description.**
 - (j) A list of abutters of the property affected, including their names and addresses, which shall be obtained from the Office of the City Assessor and which shall be certified by said Board or their designee. If the radius covers any portion of land in an adjacent city or town, then a list of abutters must be obtained from the Office of the Assessor of that city or town and certified by said Board.
 - (k) All signatures must appear on all twenty (20) copies of the application before being forwarded to the City Council, all applications and plans shall be time stamped by the City Clerk showing the time and date received.
 - (l) When the above is completed, the application shall be placed on the next City Council agenda for receiving and the City Council shall determine a date for public hearing to be established, or any other action as deemed appropriate by the said City Council. The application must be submitted to the City Clerk no later than 10:00 A.M. on the day the Council agenda is prepared for the Council's next scheduled meeting.
2. **Any application which fails to meet the above requirements shall not be received by the City Clerk and assigned a public hearing by the City Council.**
3. **No plan that has been altered with post-stamp markings or a copy thereof originally drawn by a civil engineer/surveyor shall be accepted by the City Clerk.**

**CITY OF PEABODY
PEABODY CITY COUNCIL
ACTING AS THE SPECIAL PERMIT GRANTING AUTHORITY**

\$100.00 FILING FEE

Date _____

Ward _____

APPLICATION FOR SPECIAL PERMIT

TO THE CITY COUNCIL OF THE CITY OF PEABODY:

The undersigned hereby petitions the Peabody City Council for a Special Permit as follows:

1a. Name, Address and Telephone No. of Petitioner _____

1b. Address of Property _____

1c. Zoning Classification _____ Assessors Map No. _____ Parcel _____

1d. **ATTACH A CERTIFIED PLOT PLAN OF THE PROPERTY.
ATTACH PRINTOUT FROM CITY COLLECTOR OF TAX STATUS IF APPLICANT IS ALSO
THE OWNER OF LAND.**

2. Name & Address of owner of land _____

3. If petitioner is not owner, state interest or status of petitioner in land, attaching any copy
of purchase & sale agreement _____

4. If petitioner is the owner of land, state the date of acquisition of property and the name of
person from whom title was acquired _____

5. State the specific provisions of the zoning ordinance in which you are filing under _____

6. State use for which the Special Permit is sought _____

Section 6.1.2 No special permit shall be granted unless it is the judgment of the City Council that the use for which the permit is sought will satisfy 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 it shall be in harmony with the general purpose and intent of this ordinance.

Section 15.7.1 *Special permits:* To hear and decide an application for a special permit, as provided in this ordinance, only for uses in specified districts which are in harmony with the general purposes and intent of this ordinance and which shall be subject to any general or specific rules prescribed herein and to any appropriate conditions, safeguards and limitations on time and use.

A special permit shall lapse within a two-year period or a shorter period if so specified and if a substantial use thereof has not sooner commenced except for good cause or in the case of a permit for construction if construction has not begun within the period except for good cause.

7. Describe the land affected attaching a plan complying with the Zoning Ordinance, specifically Sections 6.1.1 and 6.1.4

8. The successors agree for themselves, their successors in title, and assigns to comply continuously with such conditions, limitation, and safeguards as may be specified by the City Council of the

City of Peabody acting as the Special Permit Granting Authority, and that failure to comply or failure to use said lot or building (if any) for the purpose above specified shall constitute a violation of and make void any Special Permit issued pursuant hereto.

9. CERTIFIED LIST OF ABUTTERS MUST BE ATTACHED SIGNED BY THE BOARD OF ASSESSORS.

10. PLEASE FILL OUT THE REVERSE SIDE, SPECIAL PERMIT GENERAL USE INFORMATION.

11. A total of **20 copies** of this application are to be filed with the City Clerk's Office for the City Council. **A copy will be filed with the City Collector, City Treasurer, Community Development & Planning Department, Conservation Commission, Fire Department, Human Services Department, Planning Board, Police Department, Public Services Department, for their review and comment to the City Council.**

12. SPECIAL PERMIT GENERAL USE INFORMATION.

A. THIS IS A MANDATORY REQUIREMENT OF THE SPECIAL PERMIT GRANTING AUTHORITY. NO APPLICATION WILL BE ACCEPTED WITHOUT THE FOLLOWING.

A detailed, written description consisting of 300 words or less of the proposed request shall be attached to the application as part of the Special Permit filing process. The application will not be accepted without said written description.

B. Is the proposed use to be located within an existing building. _____.

If yes, describe where _____.

If the proposal involves new construction, describe what that new construction

is _____.

Type of building materials to be used _____.

What kind of outdoor lighting is being proposed and indicate on site plan

_____. Described any changes to outdoor lighting

including new fixtures and types _____.

Will there be generators, compressors or air conditioning units installed Yes/No

If so, describe type and location and indicate on site plan

_____.

_____.

Will there be deliveries Yes/No. If so, describe the type of vehicles to be making deliveries and

type of products to be delivered _____.

Are any variances required from the Zoning Board of Appeals. Yes/No

If yes, please describe what zoning relief you are seeking _____.

_____.

Have you applied to the ZBA to date Yes/No. If yes, what is the status _____.

If no, when do you plan on filing seeking their approval _____.

Are any approvals required from the Conservation Commission. Yes/No

If yes, please describe in detail what is required from the ConCom _____

_____.

Have you applied to the ConCom to date Yes/No. If yes, what is the status _____.

If no, when do you plan on filing seeking their approval _____.

Are any approvals required from the Planning Board Yes/No.

If yes, please describe in detail what is required from the Planning Board _____

_____.

Have you applied to the Planning Board to date Yes/No If yes, what is the status _____.

If no, when do you plan on filing seeking their approval _____.

Will there be blasting required during any site preparation. Yes/No

Will you removing any kind of earthen material from the site. Yes/No

Will you bring in any kind of earthen material on site. Yes/No If Yes, describe the type and

origination of fill _____.

Will it be necessary to obtain any permits from a State agency. Yes/No If Yes,

from whom and what kind of permit _____.

Have you made an application on the same to date Yes/No.

If yes, what is the status _____.

If no, when do you plan on seeking their approval _____.

C. Business hours of operation _____

_____.

D. Construction hours of operation _____

_____.

(15.13 of the zoning ordinance establishes construction hours as follows: No construction activities on a building permit shall start prior to or after the hours listed as follows: Monday through Friday 7:00 a.m. to 6:00 p.m.; Saturdays 9:00 a.m. to 6:00 p.m.; Sundays, Federal and State holiday work shall be requested in writing and shall be approved at the discretion of the Building Commissioner.)

E. Total number of off street parking spaces; existing or proposed _____.

For residential uses in the B-C zoning district where Section 9.2.1 B. 2. a) of the Peabody Zoning Ordinance

is applicable, a parking management plan is required. The elements of the parking management plan are available on the City web site at www.peabody-ma.gov.

- F. Total number of vehicles to be parked on site _____.
 Type of vehicles used in your daily operation _____.
 Will said business vehicles be parked overnight on site Yes/No. If yes, where _____.
- G. Number of employees, total and by shift (if applicable) _____.
- H. Location of dumpster, if any _____.
- I. Type of indoor/outdoor storage of materials _____.
- J. Location and Type of Loading/Unloading Facilities _____.

- **Section 17 of the Rules of Order of the Peabody City Council.**
No application for a license or permit shall be entertained by the council until all other permits and approvals required to be obtained from other governmental entities have been obtained and the applicant so certifies to the council.

CONDITIONS AND TERMS OF APPROVAL

- After the City Council acts on the special permit application, there is a 20 day appeal period upon the filing of the Special Permit decision in the City Clerk’s Office.
- Special Permit decision must be displayed on the business premises for public inspection.
- The Special Permit decision must be filed at the Registry of Deeds where applicable.
- There shall be no transfer of this Special Permit until written approval of the same is obtained from the Special Permit Granting Authority, or its Designee. The Building Inspector will notify the City Council in writing of the new potential owner and/or operator of the proposed business looking to operate under the previously approved Special Permit.
- An agreement shall be entered into with the Building Inspector to meet all conditions on a Special Permit within a specified time frame.
- If the petitioner requests a postponement or recess of the Special Permit public hearing, the City Council shall take formal action to approve said request. If the request is denied, the applicant shall be prepared to go forward with the Special Permit hearing. If the City Council approved said request, the petitioner must re-notify abutters of the re-scheduled hearing day by "registered return receipt" mail. Those receipts must be returned to the City Clerk at least seven (7) days prior to the hearing. The City Clerk shall send the initial notice to abutters of the scheduled public hearing by regular mail.

I understand that by signing this application that all information submitted in support of the application is truthful and authorized, that the City Council, may after notice and a hearing, rescind or vacate the approval of a Special Permit if it is determined that false or unauthorized material was offered to the City Council to induce it to approve the Special Permit, and that all representations, conditions, promises, plans, design or offers (“additional conditions”) tendered by the applicants shall be deemed incorporated by reference into the Special Permit approval, if so voted, regardless of such being specially referenced in the vote to approve; the applicant(s) are only to be relieved from the specificity contained in the above-referenced additional conditions if such is expressly excused in the vote to approve. Applicant(s) further agree and understand that a failure to comply with all conditions may lead to an enforcement action by the Building Commissioner and/or action by the City Council, after notice and hearing to, modify, suspend or vacate the Special Permit. The applicant must be present at all public hearings.

SIGNATURE OF THE APPLICANT _____ DATE SIGNED _____

PRINT NAME _____

CONTACT NUMBER _____

E-MAIL ADDRESS _____

On this _____ day of _____, 20____, before me, the undersigned notary public, then personally appeared before me _____ (Name of Document Signer)), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on this document in my presence.

SIGNATURE OF NOTARY PUBLIC _____

PRINT NAME OF NOTARY PUBLIC _____

EXPIRATION DATE OF NOTARY PUBLIC _____

NOTARY SEAL



I hereby assign and affirm that I am aware of the Special Permit application being filed by or on behalf of the applicant, and that under the rules and regulations of the Special Permit Granting Authority, my representative or I must be in attendance at the Special Permit public hearing scheduled by the Peabody City Council.

SIGNATURE OF PROPERTY OWNER _____

PRINT NAME OF PROPERTY OWNER _____

On this _____ day of _____, 20____, before me, the undersigned notary public, then personally appeared before me _____ (Name of Document Signer)), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on this document in my presence.

SIGNATURE OF NOTARY PUBLIC _____

PRINT NAME OF NOTARY PUBLIC _____

EXPIRATION DATE OF NOTARY PUBLIC _____

NOTARY SEAL



The Building Inspector of the City of Peabody has determined that the application for Special Permit is valid / invalid as specified under the Zoning Ordinance of the City of Peabody.

Signature of Building Inspector:_____.

Parking Management Plan

Required for Special Permit applications for all residential uses in the B-C zoning district with Dwelling Units established in rehabilitated buildings within the existing envelope of the building.

A parking management plan shall be presented with the Special Permit application and, in addition to the site plan, shall include the following required plan elements;

1. the location of handicapped parking space(s),
2. a plan identifying parking space distribution between the principal lot and any contiguous or nearby lot owned by the same entity as the principal lot and plan to manage ongoing,
3. evidence that parking spaces to be utilized on any contiguous or nearby lot owned by the same entity as the principal lot are not needed to satisfy the parking requirements of another use,
4. a narrative explaining parking space distribution between principal lot and municipal lots where parking may be made available under the provisions of the ordinances of the City of Peabody and plan to manage ongoing,
5. evidence that parking spaces to be utilized at municipal lots are available in sufficient quantity and have been obtained under the provisions of the ordinances of the City of Peabody,
6. a narrative explaining how visitor parking space(s) will be managed ongoing,
7. a narrative explaining the extent to which parking spaces in the principal lot will be utilized by any nonresidential use in the building and how such nonresidential use parking will be managed ongoing,
8. a plan to address the loss of parking spaces due to snow storage,
9. a plan to notify tenants and/or owners of required actions to be taken during declared snow emergencies including, but not limited to, restrictions that may apply to utilizing parking spaces in municipal lots.

And the following optional plan elements;

10. the location of parking space(s) that will facilitate the charging of electric automobiles if there is an intent to provide such parking spaces,
11. a plan to manage automobile share program ongoing if there is an intent to provide such a program,
12. a plan to manage a ride-sourcing services program ongoing if there is an intent to provide such a program,
13. a plan to manage bicycle share program ongoing if there is an intent to provide such a program,
14. a plan to provide greater access to public transportation and ongoing management if there is an intent to provide such a program
15. a plan to assign or deed parking spaces if there is an intent to do so.