

REGULAR MEETING OF THE PEABODY CITY COUNCIL
FEBRUARY 23, 2017

PRESENT COUNCILLORS: MANNING-MARTIN, GRAVEL, TURCO, GOULD, MCGINN, WALSH, MOUTSOULAS, SINEWITZ, AND SASLAW

ABSENT COUNCILLORS: GARABEDIAN AND CHAREST

Meeting of the Peabody City Council opened with a moment of silent prayer after being called to order by City Council President, Joel D. Saslaw.

Salute to the American Flag.

P124-17 COUNCILLOR GOULD – MOVE TO receive and approve the minutes from the regular meeting of February 16, 2017. (Unanimous)

COUNCILLOR SASLAW - 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.

(COUNCIL PRESIDENT SASLAW WELCOMED STUDENT GOVERNMENT DAY REPRESENTATIVES: GIANNA DENISCO, COUNCILLOR AT LARGE; MAKENZIE HERY, COUNCILLOR AT LARGE; KELLY CROTTY, COUNCILLOR AT LARGE; MARCELO ROCHA, COUNCILLOR AT LARGE; JAMES RUSSO, WARD 2 COUNCILLOR; BRIAN BOMBACI, COUNCILLOR AT LARGE; ALI DEMEO, WARD 4 COUNCILLOR; SAMANTHA CIMINO, WARD 6 COUNCILLOR; SHANNON GRAFTON, CITY CLERK; JESSICA KROUSE, WARD 5 COUNCILLOR; AND EMILY BELLAVANCE, MAYOR)

HEARINGS

A public hearing was duly held on the application from Elite Pre-Owned Auto, 153 Newbury Street, Peabody, MA. Appearing to speak on behalf of the application was Mr. Carmen Gaeta. No one appeared to speak in favor. No one appeared to speak in opposition.

P125-17 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, late communication Item 1 from Carmen Gaeta, 153 Newbury Street, regarding Revised parking plan. (Unanimous)

P126-17 COUNCILLOR SASLAW – MOVE TO approve the application from Elite Pre-Owned Auto, 153 Newbury Street, Peabody, MA, to amend a Class 2 Motor Vehicle License, specifically seeking an increase in the number of vehicles for sale from 15 to 40 at said 153 Newbury Street, Peabody, MA, with the condition that the property owner sign the Revised parking plan, and subject to all papers being in order.

(Carried 8-1; Councillor Manning-Martin opposed; Councillor Garabedian and Councillor Charest absent)

A public hearing was duly held on the application from 535 Lowell Street Peabody, LLC, c/o Yebba Realty Ventures, 321 Columbus Avenue, Boston, MA. Appearing to speak on behalf of the application was Mr. Brian Dundon and Mr. Al Yebba. No one appeared to speak in favor. No one appeared to speak in opposition.

P127-16 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 2 from Public Services Department regarding 535 Lowell Street. (Unanimous)

P128-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, late communication Item 3 from City Collector regarding 535 Lowell Street. (Unanimous)

P129-17 COUNCILLOR SASLAW – BE IT ORDERED by the City Council of the City of Peabody that the application from 535 Lowell Street Peabody, LLC, c/o Yebba Realty Ventures, 321 Columbus Avenue, Boston, MA, to amend Special Permit 9 dated May 18, 2016, pursuant to Section 1.5 of the Zoning Ordinance to alter an existing nonconforming building, by demolishing 25,000 square feet of an existing structure and constructing a new free-standing structure which totals 32,200 square feet in building area

in lieu of 30,300 square feet as granted (net increase in building footprint area is 1,900 square feet). The free-standing structure as modified complies with the applicable setback requirements with associated parking and landscape improvements. The applicant is also seeking approvals to modify the building elevations. Modification to the building elevation includes changes to the building materials and the building color scheme at said 535 Lowell Street, Peabody, MA, as filed in accordance with Sections 1.5, 4.2.5, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reason:

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.
(Carried 9-0; Councillor Garabedian and Councillor Charest absent)

A public hearing was duly held on the application from Adriano Taugino, Manager of A & A Properties, LLC, 98 Main Street, Peabody, MA. Appearing to speak on behalf of the application was Attorney John Keilty. Tracy and Billy McDonald, 98 Rear Main Street, Peabody, MA, appeared to speak in favor. No one appeared to speak in opposition.

P130-17 COUNCILLOR MCGINN – BE IT ORDERED by the City Council of the City of Peabody that the application from Adriano Taugino, Manager of A & A Properties, LLC, 98 Main Street, Peabody, MA, for a Special Permit to develop a commercial/residential mixed-use occupancy consisting of 1 residential unit on the second floor and a bakery facility or an allowed by-right business use on the first floor at said 98 Main, Peabody, MA, as filed in accordance with Sections 4.2.1, 6.1, and 15.7 of the Peabody Zoning Ordinance be approved based on the following reason 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:

- A. All conditions of Special Permit 2015-24 granted on December 10, 2015, shall be applicable to this Special Permit except that;
- i. Condition 1 shall be modified to state; There shall be a maximum total of one (1) dwelling unit in a single structure on the lot. There shall be a maximum total of one (1) dwelling unit on the second level of the structure, no dwelling units on the third level of the structure, no dwelling units on the first level of the structure and no dwelling units on the basement level of the structure.
 - ii. Condition 2 shall be modified to state; The petitioner shall make reasonable commercial effort to maintain the dwelling unit as owner-occupied or as a market-rate apartment or condominium.
 - iii. Condition 3 shall be modified to state; Exterior building details shall remain unchanged except that they may be repaired in accordance with the applicant's plans provided such repairs are carried out in a manner sensitive to the style, character and construction techniques and materials of the original construction. In the event the exterior design requires modification, such modification is subject to review and approval by the Peabody Historical Commission.
 - iv. Condition 15 shall be modified to state; Construction hours of operation shall be from 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturday.

- B. Should applicant later proceed with plans to redevelop the property in a manner consistent with that which was allowed under Special Permit 2015-24, Special Permit 2015-24, including all conditions thereof, shall apply and nothing within the granting of this Special Permit shall alter Special Permit 2015-24.

(Carried 8-1; Councillor Manning-Martin opposed; Councillor Garabedian and Councillor Charest absent)

REPORTS OF COMMITTEE

COMMITTEE OF THE WHOLE

February 23, 2017

P131-17 COUNCILLOR SASLAW – Reporting for the Committee of the Whole – Tonight we had a meeting of the Committee of the Whole. We had two items on the agenda. We had an Executive Session that was in regards to pending litigation just to bring the Councillors up-to-date. That litigation is still happening so we are not at liberty to discuss that. Then the second item on the agenda which was the discussion of the mayor's salary. By ordinance we need to review the mayor's salary every year. I believe it's by February 28th or March 1st. We did receive a communication earlier from the mayor asking for no increase in his salary. There was no discussion on the matter. (Report received)

P132-17 COUNCILLOR SASLAW – MOVE TO receive, under suspension of the rules, Item 7-A communication from His Honor the Mayor regarding Letter regarding the City Council's review of the Mayor's salary. (Unanimous)

P133-17 COUNCILLOR SASLAW – Reporting for the Committee of the Whole - MOVE THAT the Mayor's salary remain the same as outlined in Section 2-13 of the City Code (\$110,000.00). (Carried 9-0; Councillor Garabedian and Councillor Charest absent)

MOTIONS, ORDERS AND RESOLUTIONS

P134-17 COUNCILLOR MANNING-MARTIN – MOVE TO request that all Executive Session minutes, which no longer contain pending litigation, be released. (Unanimous)

P135-17 COUNCILLOR GRAVEL (Co-motion with Councillor Turco) – MOVE TO request that His Honor the Mayor update the City Council on the status of the conditions imposed in the ACO regarding the L Fine property. (Unanimous)

P136-17 COUNCILLOR GRAVEL – MOVE TO request that the Purchasing Agent and the Facilities Director appear before the Finance Committee to discuss the status of the renovations at the Wiggin Auditorium. (Unanimous)

P137-17 COUNCILLOR GOULD (Co-motion with Councillor Charest) – MOVE TO request a "No parking" sign on either side of Kingdom Street Extension, which is the small alley behind the Center School, and that an ordinance be drafted and advertised on the same. (Unanimous)

P138-17 COUNCILLOR TURCO – MOVE TO receive, under suspension of the rules, Item 8-A communication from Beverley Ann Griffin Dunne, School Building Committee, regarding Request Council President to appoint Councillor Charest to the committee. (Unanimous)

P139-17 COUNCILLOR MCGINN – MOVE TO receive, under suspension of the rules, Item 7-C communication from His Honor the Mayor regarding Parking requirements for B-C Zoning District and to refer to the Industrial & Community Development Committee. (Unanimous)

P140-17 COUNCILLOR MOUTSOULAS – MOVE TO receive, under suspension of the rules, Item 8-C communication from Bob & Claire Kane, 5 Sparrow Lane, regarding Plowing complaint and to refer to the Public Services Department. (Unanimous)

P141-17 COUNCILLOR MCGINN – MOVE TO receive Petition – Verizon No. 1A1Yf7S for Little's Lane, and to set up a public hearing. (Unanimous)

P142-17 COUNCILLOR SINEWITZ – MOVE TO receive, under suspension of the rules, Item 8-B communication from Attorney Michael Smerczynski, City Solicitor, regarding Clarification of Aggregate fines. (Unanimous)

P144-17 COUNCILLOR SINEWITZ – MOVE TO request a status update from Peter Cronan, Director, Municipal Golf Course, regarding several motion requests from November 10, 2016. (Unanimous)

November 10, 2016

P798-16 COUNCILLOR GOULD – Reporting for the Ad Hoc Committee Municipal Golf Course/Skating Rink – MOVE TO request that Mr. Peter Cronan report back to the City Council with information on the golf card program. (Unanimous)

P799-16 COUNCILLOR GOULD - Reporting for the Ad Hoc Committee Municipal Golf Course/Skating Rink – MOVE TO request that Mr. Peter Cronan research surrounding golf courses (Gannon, Sagamore, Beverly Golf & Tennis) and any other relevant golf courses, for the types of memberships that are offered, such as junior memberships. (Unanimous)

P800-16 COUNCILLOR GOULD - Reporting for the Ad Hoc Committee Municipal Golf Course/Skating Rink – MOVE TO request that Mr. Peter Cronan report back to the City Council with the current greens fees and cart fees from competing golf courses. (Unanimous)

P801-16 COUNCILLOR GOULD - Reporting for the Ad Hoc Committee Municipal Golf Course/Skating Rink – MOVE TO request that Mr. Peter Cronan submit a recommendation to the City Council on how to increase income at the golf course by \$75,000 to \$140,000. (Unanimous)

P802-16 COUNCILLOR GOULD - Reporting for the Ad Hoc Committee Municipal Golf Course/Skating Rink – MOVE TO request that Mr. Peter Cronan conduct a survey of other cities that have municipal courses regarding whether or not they offer liquor licenses and, if so, whether they hire a third party to manage that liquor license. (Unanimous)

COMMUNICATIONS FROM HIS HONOR THE MAYOR

P145-17 COUNCILLOR WALSH – MOVE TO receive a communication from His Honor the Mayor regarding Proposed city ordinance prohibiting consumption of marijuana concentrate and to refer to the Legal Affairs Committee. (Unanimous)

COMMUNICATIONS FROM CITY OFFICERS AND OTHERS

P146-17 COUNCILLOR MCGINN – MOVE TO receive a late communication from Essex North Shore Agricultural and Technical School regarding Fiscal Year 2018 budget and to refer to the Finance Committee. (Unanimous)

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

P147-17 COUNCILLOR GRAVEL – MOVE TO receive and approve Utility Contractors License – A.T. Mscisz and Sons, LLC, 36 Preston Street, Hathorne, MA, subject to all papers being in order. (Unanimous)

P148-17 COUNCILLOR GRAVEL –MOVE TO receive and approve Entertainment License (Renewal for 2017) Toscana Ristorante, 3 Bourbon Street, subject to all papers being in order. (Unanimous)

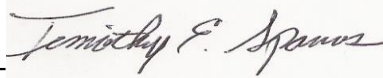
UNFINISHED BUSINESS FROM THE PRECEDING MATTER

None.

MOVED: MOVE TO adjourn. Regular meeting of the Peabody City Council adjourned at 9:50 p.m.

SUBMITTED TO HIS HONOR THE MAYOR, MARCH 2, 2017

RETURNED BY HIS HONOR THE MAYOR, MARCH 2, 2017



ATTEST _____
(Timothy E. Spanos, City Clerk)

COMMUNICATIONS:

His Honor the Mayor re: Letter regarding the City Council's review of the Mayor's salary

His Honor the Mayor re: Proposed city ordinance prohibiting consumption of marijuana concentrate

His Honor the Mayor re: Parking requirements for B-C Zoning District

Beverley Ann Griffin Dunne, School Building Committee re: Request Council President to appoint Councillor Charest to the committee.

Attorney Michael Smerczynski, City Solicitor re: Clarification of Aggregate fines

Bob & Claire Kane, 5 Sparrow Lane re: Plowing complaint

UTILITY CONTRACTORS LICENSE:

A.T. Mscisz and Sons, LLC, 36 Preston Street, Hathorne, MA

PETITION:

Verizon No. 1A1YF7S for Little's Lane

ENTERTAINMENT LICENSE: (Renewal for 2017)

Toscana Ristorante, 3 Bourbon Street