

**City Councillor  
Joseph A. DelGrosso  
City Council Chamber  
Journal  
April 4, 2016**

Regular meeting of the Revere City Council was called to order at 6:00 P.M.

**President Giannino presiding.**

1. Salute to the Flag by the members of the Revere City Council and those in attendance.

2. Roll Call: Councillors Guinasso, Haas, Keefe, McKenna, Morabito, Novoselsky, Patch, Powers, Rotondo, Zambuto and Council President Giannino present.

3. Certificates of Merit will be awarded to the 2015-2016 RHS Girls Basketball team for their unprecedented NEC Title win and trip to the MIAA Division 1 Tournament.

Ordered received and placed on file.

**Public Hearings**

**C-16-02**

**16-77**

4. Hearing called as ordered on the application of MHF Logan V. LLC, 300 Centerville Road, Suite 300, East Warwick, RI 02886 seeking permission from the Revere City Council to alter a nonconforming structure by increasing the structure height from 66.84 feet to 75 feet for the purpose of interior layout alterations to increase the number of rooms from 227 to 250 and to add a parapet to the roof of the structure at 230 Lee Burbank Highway, Revere, MA 02151.

**Proponents**

Attorney James Cipoletta  
Jeff Dwyer

**Opponents**

None

Hearing held, subject matter referred to the Zoning sub-committee.

**16-078**

**C-16-03**

5. Hearing called as ordered on the application of James Stvil, 95 Lincoln Avenue, Saugus, MA requesting permission from the Revere City Council to change an existing non-conforming use (commercial garage) to another non-conforming use (special garage) and for the alteration of a non-conforming structure at 851-855 Broadway, Revere, MA 02151.

## Proponents

- **Attorney Lawrence Simeone, Counsel for Applicant**
  - **Attorney Simeone addressed the City Council as the representing attorney for the applicant, Mr. James Stvil. Mr. Stvil is seeking a special permit from the City Council under Section 17.40.020 Revere Revised Ordinances (R.R.O.) to change an existing non-conforming use, a commercial garage to a different non-conforming use, an auto body shop and Section 17.40.030 of the R.R.O for building modifications of a non-conforming structure. This request is before the City Council after Judge Wilson annulled the original decision of the City Council to deny the special permit that was requested.**
  - **Attorney Simeone submitted several exhibits and a Site Plan to the City Council for review and were made part of the file. Attorney Simeone stated he has proposed four conditions to Site Plan Review that would be adopted by the City Council should the special permit be granted. The applicant estimates that \$1 - \$1.1 million dollars will be invested into the property in terms of exterior and interior building improvements.**
  - **Attorney Simeone stated that all customer vehicles will be stored and worked on within the confines of the building and that no vehicles will be stored or worked on outside of the building during operation and that there will be no outside storage of vehicles. Staff for the operations will consist of two auto technicians and one administrative person. Hours of operation will be Monday through Friday, 8:00 am to 5:00 pm, Saturdays, 9:00 am to 1:00 pm for customers to pick up vehicles, and there will be no operation of the business on Sundays.**
  - **Attorney Simeone stated that the City Council should recognize that an auto repair business will produce 3-5 vehicles per day, but an auto body shop would not be able to produce that amount of business. Further, this area of Broadway has a wide gamut of commercial uses such as an auto parts store, repair shops, and auto body shops in addition to residential uses.**
  - **Attorney Simeone explained that Mr. Stvil has been in the auto body business for many years – his first business location being in Revere, then began operating as Majestic Motors in Somerville, then currently operating as Majestic Motors on Furlong Drive in Revere. Mr. Simeone stated that in the twelve years Mr. Stvil has been operating as a tenant at the Furlong Drive location, he has no record of complaints from the Board of Health and does not know of any other complaints from any other department.**
  - **Attorney Simeone expressed that his client, Mr. Stvil would like to purchase 851-855 Broadway because it is a more attractive location than Furlong Drive and his business would increase. Attorney Simeone further stated that Mr. Stvil proposes to install a landscaped area and bollards to prevent other business' clients and municipal vehicles from parking on the sidewalk. Attorney Simeone also stated that there are three off-street parking spaces, two at the front of the property and one in the rear of the property for business staff.**
  - **Attorney Simeone stated that tow trucks delivering vehicles to the business will enter and exit from the bay door at the front of the**

property on Broadway and that there will be no need to use the bay door on Folsom Street for entering or exiting the building.

- Attorney Simeone stated that the proposed spray booth is one of the best available that has double-walled insulation, that it is ninety-eight percent efficient in filtering impediments and is approved by the EPA. He further stated that Mr. Stvil does not expect to use the spray booth to its capacity. Attorney Simeone also stated that the spray booth will omit no noise and little to no odor if the operator maintains it correctly in terms of venting and paint. Attorney Simeone introduced Mr. Freeman who is knowledgeable on this spray booth and that he will be available for questions at the next City Council Zoning-Sub Committee meeting.

### Opponents

- **Stephanie Beatrice, Folsom Street Resident**
  - Ms. Beatrice stated that she is opposed to the proposed special permit due to concerns with the parking of vehicles related to the business parking illegally within the neighborhood, that the applicant is operating without an occupancy permit, that the applicant has failed to maintain a fire alarm system, improperly stores tires, operates outside of normal business hours, plays loud music, and has no respect for the residents of Folsom Street.
- **Leonard Orlandello, 22 Folsom Street**
  - Mr. Orlandello stated that he is opposed to the proposed special permit because the parking of employee vehicles on the public street will limit the available parking for residents on Folsom Street. In contradiction to the applicant's presentation, he stated that the applicant will not use the bay door facing Broadway for entering and exiting the building, but rather the door on Folsom Street which is currently being used for that purpose. Mr. Orlandello also stated his concerns over the parking of damaged vehicles in the neighborhood commonly associated with other auto body businesses in the City. He also stated that he is concerned with the hours of operation because the business currently operates late at night and on Sundays.
- **Richard McBain, 14 Folsom Street**
  - Mr. McBain stated he is opposed to the proposed special permit application because of the current hours of operation, and the traffic and damaged vehicles associated with an auto body business.
- **Richard Fernandez, 869 Broadway**
  - Mr. Fernandez stated that he is opposed to the proposed special permit application because employees of the business park vehicles on Rose Street.
- **Paul McSweeney, 18 Folsom Street**
  - Mr. McSweeney stated that he is opposed to the project.
- **Attorney Ira Zaleznik, Counsel for City of Revere**
  - Attorney Zaleznik stated that the applicant is operating under the misapprehension of the zoning code in that the current garage occupancy permit issued under Section 17.08.165 of the Revere Revised Ordinances is for commercial auto storage and parking of buses and autos. The prior and principal use of the property in

question was for the storage of buses and light repairs as an accessory use to the storage of buses. The property does not have an occupancy permit for the use the applicant is currently operating under. Auto repair is a different classification than what would be used for the storage of buses. Due to the change in use, the applicant would have been required to apply for a certificate of occupancy for that classification and this was not done.

- Attorney Zaleznik further stated that the proposed spray booth described by the applicant would require proper maintenance to function properly. The applicant does not currently operate a facility that is properly maintained. With the applicant's track record for disregard of rules and regulations one could conclude that the spray booth would not be maintained properly.
- The proposed application relies on a large number of promises made by the applicant in that he will conduct his business in a particular manner that will protect the neighborhood and the applicant cannot prove that his proposed operation will not be substantially more detrimental to the neighborhood than the previous use.
- Chief Inspector Daniel Maniff, Revere Fire Department
  - Inspector Maniff addressed the City Council relative to various violations that the applicant was cited for at the 851-855 Broadway location and the applicant's other business located at 14 Furlong Drive. In 2006, 2009, 2011, and 2013, Inspector Maniff stated that 14 Furlong Drive was shutdown and cited numerous times for non-compliance of local and state codes and that the police were also involved in many of these incidents.
  - Since the applicant has occupied the Broadway location, the applicant has been cited for the following: fire alarm system was ripped out, obstruction of egress, improper storage of waste oil, no proper permits to have waste oil, no receipts to show where waste oil was being transported which is a requirement of the EPA, no permits for acetylene or welding, flammables not stored properly, lack of fire extinguishers, and no occupancy permit.
  - In the opinion of the Inspector, the applicant has been operating his business in a hazardous manner.

\*A petition from area residents and a report from the Fire Inspector have been received and made part of the official record of the Revere City Council.

Hearing held, subject matter referred to the Zoning Subcommittee to be held on May 9, 2016 at 5:00 PM.

### Committee Reports

#### 6. Ways and Means Committee Report

The Committee on Ways recommends that the following orders be referred to a Public Hearing on May 9, 2016.

**16-066** Bond Authorization in the amount of \$100,000.00 for Department of Public Works yard design services.

**Ordered referred to a Public Hearing.**

**16-067 7. Bond authorization in the amount of \$70,000.00 for the Lincoln School air conditioning design services.**

**Ordered referred to a Public Hearing.**

**16-068 8. Appropriation request for an external audit in the amount of \$72,000.00.**

**Motion offered by the Committee on Ways and Means:**

**That the following sum be and hereby is raised and appropriated by transferring said sum as follows:**

<b><u>From</u></b>	<b><u>To</u></b>
<b>Stabilization Fund</b>	<b>Mayor-Contracted Services</b>
<b>\$72,000.00</b>	<b>\$72,000.00</b>

**Substitute Motion offered by Councillor Zambuto: That the Mayor be requested to obtain a quote from the State Auditor for an audit as outlined by the administration's scope of work.**

**Substitute Motion was declared Lost on a roll call: Councillors Patch, Rotondo and Zambuto voting "YES". Councillors Guinasso, Haas, Keefe, McKenna, Morabito, Novoselsky, Powers and President Giannino voting "NO".**

**Original motion is now before the Council and was declared Ordered on a Roll Call: Councillors Guinasso, Haas, Keefe, McKenna, Morabito, Novoselsky, Powers and President Giannino voting "YES". Councilors Patch, Rotondo and Zambuto voting "NO".**

**Ordered on a Motion of Councillor Novoselsky: That the City Council Rules of Order be suspended at this time for the purpose of filing immediate reconsideration on the vote taken in the hopes it would not prevail.**

**Councillors Zambuto and Rotondo voting "NO".**

**Councillor Novoselsky files immediate reconsideration with the hope it would not prevail.**

**Reconsideration was declared Lost.**

**Councillor Powers referred back to the regular order of business.**

**16-055 9. Motion of Councillor Rotondo requesting an update on the FY2016 budget.**

**Ordered subject matter remain in Committee.**

**16-015 10. Motion of Councillor Rotondo requesting an audit of all municipal offices.**

**Ordered received and placed on file.**

**11. Zoning Sub-Committee Report:**

**16-017** Motion presented by Councillor Rotondo: That the Mayor request the City Planner to research the feasibility of creating an innovation overlay zone.

Subject matter remain in Committee.

**16-029** 12. Motion presented by Councillor Rotondo: That the Mayor look into the feasibility of urban farming and husbandry as permitted in the City of Boston.

Subject matter remain in Committee.

**CZ-16-03**

**16-76** 13. Corey Abrams and Kerri Abrams, 252 Franklin St., Reading, MA 01867 requesting an amendment of the Zoning Map of the City of Revere by changing a certain lot of land located on Bennington Street from Residential B to General Business.

Subject matter is now before the City Council.

**An Ordinance Further Amending the Zoning Map of the City of Revere.**

**BE IT ORDAINED BY THE CITY OUNCIL OF THE CITY OF REVERE AS FOLLOWS:**

**Section 1. Title 17 of the Revised Ordinances of the City of Revere and the Zoning Map provided by Section 17.12.020 of said Title, is hereby amended to change the zoning district designation of the parcel or land identified as Revere Assessor's Parcel ID 3-22-17 (easterly side of Bennington Street), also identified as "Lot N Pt 252" on a certain plan entitled "Plan of Sec. D Sea Shore Division of Orient Hts. Revere Mass.", dated October 1875 and recorded in the Suffolk Registry of Deeds in Plan Book 1291, End, from the Residential B district to the General Business district.**

Subject matter was Ordered to a second reading,

Subject matter was Ordered on a second, third and final reading.

Subject matter was Engrossed and Ordained on a Roll Call: Councillors Guinasso, Haas, Keefe, McKenna, Morabito, Novoselsky, Patch, Powers, Rotondo, Zambuto and President Giannino voting "YES".

**Appointments Sub-Committee Report**

The following appointments are now before the City Council for confirmation.

**16-070** 14. Reappointment of Joseph A. Festa Construction Company, Inc., 385 Broadway, Revere, MA as a Licensed Drain Layer for the City of Revere.

Subject matter to remain in Committee.

**16-071 15. Reappointment of R. Sasso and Sons Construction Inc., 73 Thurlow Ave., Revere, MA, as a Licensed Drain Layer for the City of Revere.**

**Subject matter to remain in Committee.**

**16-072 16. Reappointment of J. Marchese and Sons, Inc., 69 Norman Street, Everett, MA, as a Licensed Drain layer for the City of Revere.**

**Subject matter to remain in Committee.**

**16-073 17. Reappointment of Procopio Enterprises, Inc., 20 Main Street, Saugus, MA, as a Licensed Drain Layer for the City of Revere.**

**Motion to confirm was Ordered.**

**16-074 18. Reappointment of ARM Construction, 787 North Shore Road, Revere, MA, as a Licensed Drain Layer for the City of Revere.**

**Motion to confirm was Ordered.**

**16-075 19. Reappointment of Meninno Construction Co., Inc., 76 Oakville St., Lynn, MA as a Licensed Drain Layer for the City of Revere.**

**Motion to confirm was Ordered.**

#### **Communications**

**16-76**

**CZ-16-03 20. Comm. from the Chairman of the Revere Planning Board:**

**Pursuant to Section 17.56.050 of the Revised Revere Zoning Ordinance, the Planning at a regular meeting held on March 29, 2016, voted to unfavorably recommend a proposed zoning map amendment to change Parcel ID 3-29-16 voted to unfavorably recommend a proposed zoning map amendment to change Parcel ID 3-22-17 comprising 1,075 s.f. on Bennington Street from General Residence (RB) to General Business (GB). It is the determination of the Planning Board that this single parcel is a nonconforming unbuildable lot.**

**Ordered received and made part of CZ-16-03.**

#### **Motions**

**16-078 21. Ordered on a Motion presented by Councillors Giannino and Patch: That the Mayor request the DPW to install a guardrail on Washington Avenue at Bruno Street.**

**16-079 22. Ordered on a Motion presented by Councillor Giannino: That the City Council draft an ordinance designating all public parks as “Drug, Alcohol, Tobacco, and Weapon Free Zones”.**

**16-080 23. Motion presented by Councillor Rotondo: That the City of Revere perform a short term marketing study of the community to further assist with community branding. Further, that the Mayor look into the feasibility of any grants available at the Executive Office of Housing and Economic Development for such a project.**

**Ordered referred to the Parks and Recreation Committee.**

**16-081 24. Ordered on a Motion presented by Councillor Giannino: That the Mayor request Capital Waste to respectfully ask its employees to refrain from throwing trash barrels in the streets. This motion is being submitted in response to several recent complaints of trash barrels being thrown in the street and subsequently get in the way of traffic, hitting parked vehicles, blocking driveways, etc.**

**Ordered on a Motion of Councillor Zambuto: That the City Council now stands adjourned to meet on Monday, April 25, 2016, at 6:00 P.M.**

**Ordered adjourned at 7:55 P.M.**

**Attest:**

**Ashley Melnik  
City Clerk**