



City of Peabody Conservation Commission

City Hall • 24 Lowell Street • Peabody, Massachusetts 01960 • Tel. 978-538-5782

MINUTES

April 10, 2024

Link: <https://peabodytv.org/videos-on-demand/?vid=1231>

At this time the Peabody Conservation Commission hearings will continue to be held remotely. Remote participation is allowed in accordance with Section 20 of Chapter 22 of the Acts of 2021 signed into law by Governor Baker on February 12, 2022, suspending provisions of the Open Meeting Law, G.L. c. 30A, Section 18. as extended by Section 20 of Chapter 22 of the Acts of 2022 and further extended by the Final Compromise Bill enacted by the House and Senate on March 23, 2023, and signed by Governor Maura Healey on March 29, 2023.

MEMBERS PRESENT

Chairman Stewart Lazares
Vice Chairman Michael Rizzo
Sec. Michael Vivaldi
Arthur Athas
Bruce Comak
Amanda Green (technical difficulties in and out of meeting)
Ritamarie Cavicchio(left at 9:13 PM)

MEMBERS ABSENT

Also Present: Lucia DelNegro, Conservation Agent; City Councillor Ward 6 -
Michael T. Higgins;

CHAIRMAN LAZARES CALLED THE MEETING TO ORDER at 7:00 PM

CERTIFICATES OF COMPLIANCE

Items 1 and 10 are associated and were discussed together.

1. A continued request for a FULL Certificate of Compliance as made by Attorney David Ankeles for Anibel Fariaon DEP File No. 55-340. The project was additional paving service to a pre-existing residential structure since converted to commercial use. The address is known as 1 Mount Pleasant Drive, Map 29, Lot 007, Peabody MA. The Order of Conditions expired on 6/3/1996.

10. An Enforcement Order issued to Anibal and Virginia Faria (sellers) and Valerie Batsinelas (new owner as Trustee of the Mount Pleasant Revocable Trust) for the following activity: Creating a parking lot seven feet closer to the wetlands than approved in Order of Conditions DEP File No. 55-340. The property is known as 1 Mount Pleasant Street, Map29, Lot 7, Peabody MA.

Present: David Ankeles, Esquire

Summary: They went to DigSafe and received permission to remove the pavement. They are scheduled to start work Monday morning. The commission asked that the property owner submit a sketch to show the proposed work and erosion controls must be shown as well. Attorney Ankeles did not realize that was an Action Item required under the Enforcement Order. Attorney Ankeles does not want to install an asphalt berm.

Discussion ensued. He agreed to install granite posts with signs. They have not decided on what type of barrier will be installed (guardrail, bollards etc.). He stated they are ready to start work Monday without a plan. It has been surveyed marked, staked and the asphalt is ready to be removed. The erosion controls will be installed over the weekend. Mr. Rizzo stated a post and rail fence might be a good compromise and curbing may not be necessary. Two granite posts with signs are still required. Mr. Lazares asked for a plan to show the work. They stated he could draw on an existing plan or hand sketch something if that was easier instead of having a formal survey done. Attorney Ankeles stated again he wants to start first thing Monday morning (holiday). Ms. DelNegro stated she would be out of the office until Tuesday at the earliest. She will not be able to inspect erosion controls and asked if any commission members could inspect them. No commission members volunteered to inspect said erosion controls.

Discussion ensued. He will email the sketch to commission officers and staff. Ms. DelNegro reminded them again that she will not be working until Tuesday at the earliest and implored them not to let work start until said erosion controls are reviewed by staff or commission members. Attorney Ankeles will submit a sketch and work can start after erosion controls are inspected. Attorney Ankeles will tell his crew that work can start on Wednesday of next week. An As Built plan will be needed before a Certificate of Compliance is issued.

Motion to continue both items EO and CC as made by Mr. Vivaldi. Seconded by Mr. Athas. Adopted unanimously 6-0 with Ms. Green having technical difficulties-note able to vote).

2. A request for a PARTIAL Certificate of Compliance as made by Peter Ogren (Hayes Engineering, Inc.) for Seven Dearborn Limited Partnership DEP File No. 55-861. The project was a 180-unit apartment building, parking lot with associated drainage and stormwater systems. The address is known as 7 Dearborn Road, Map 78, Lot 19, Peabody MA. The Order of Conditions expired on 1/21/2024 after being tolled.

Present: Peter Ogren (Hayes Engineering, Inc.)

Summary: Peter Ogren stated they don't have an As Built Plan because they are only asking for a partial. He emailed a Contractor's As-Built for the drainage system. The email was sent a few hours before the meeting and no hard copies were provided. He does not feel he needs to submit an As Built until he is applying for a Full Certificate of Compliance (CC). He felt the pictures submitted should be sufficient. **Discussion ensued.** The commission asked for an interim As Built Plan. Mr. Ogren still felt that an As Built was not necessary because it was only buffer zone work. **Discussion ensued.** A member of the public wished to speak. The Chairman allowed Russell Donovan of Quail Road to talk. Mr. Donovan wanted to know what was going to happen with the saltwater pool discharge. Mr. Ogren was unaware of the pool. **Discussion ensued.** DPS still needs to do a final review and an As Built Plan is needed for a final review from ConComm and DPS. Ms. DeNegro asked Mr. Ogren to submit two hardcopies of the redlined contractor plan for review. Mr. Ogren still felt one was not necessary for a partial CC.

Motion to continue as made by Mr. Athas. Seconded by Mr. Rizzo. Adopted unanimously 6-0 with Ms. Green having technical difficulties-note able to vote).

REQUEST FOR DETERMINATION OF APPLICABILITY

3. A continued Public Hearing on a Request for Determination of Applicability submitted by Laura Monteiro (owner). The project is the installation of an above ground pool in buffer zone. The property is known as 7 Esquire Drive, Map 52, Lot 132, Peabody MA.

Present: Laura Monteiro (owner)

Summary: A new plan has been submitted. **Discussion ensued.** No public wished to speak.

Motion to close the public hearing as made by Mr. Vivaldi. Seconded by Mr. Rizzo. Adopted unanimously 6-0 with Ms. Green having technical difficulties-note able to vote).

Motion to issue a Negative Determination with the following conditions: **1)**Erosion must be installed and inspected BEFORE any work can commence. Please email pictures to lucia.delnegro@peabody-ma.gov a site inspection may be necessary. Please notify the Conservation Commission in writing 48 hours prior to construction start-up that erosion controls are in place and ready for inspection. (The erosion controls (straw wattle per plan) shall be placed prior to any construction on-site. Said straw wattles shall be maintained and replaced as needed until all work is complete.

2) In the event a swimming pool is placed on this lot, the following condition shall apply: The content of water in swimming pools can be detrimental to wetlands plant and animal species. To remove harmful chemicals, it is the applicant's responsibility to leave the pool water standing without the addition of chlorine for a minimum of seven (7) days before draining (per the City's Stormwater System Ordinance). In this way chlorine concentration will be significantly reduced due to volatilization. All pool water, wherever possible, shall be drained through a dry well, rather than allowed to spread over the surface of the land. The City of Peabody Conservation Commission Office shall be notified prior to draining and shall approve the method of draining as made by Mr. Rizzo. Seconded by Mr. Comak. Adopted unanimously 6-0 with Ms. Green having technical difficulties-note able to vote).

NOTICE OF INTENTS

4. A continued Public Hearing on a Notice of Intent submitted by Attorney John R. Keilty for Josephine Cooke (owner). The proposed work is the construction of a single-family house with associated utilities, grading and driveway. The property is known as 29 Glendale Avenue aka 25 Glendale Avenue, Map 120, Lot 27, Peabody MA.

Present: Jack Keilty, Esquire

Summary: The chairman stated that the commission is still waiting for a revised plan to show the following: dewatering plan, note on plan citing the zba variance allowing the lots to be subdivided.

ATTY KEILTY: As we left the last meeting there was a question of whether the existence of these lots violated a prior of a condition of a variance. In 2003 there was a variance granted that suggested that there be no further subdivision resulting in additional dwellings. That matter was what I believe the issue of whether or not we violated of a variance in subdividing creating two, 10,000 square foot lots. Whether or not that was an issue that would somewhat make our lots illegal. I went to the Board of Appeals at their March meeting. I was not an agenda item. I was there for other matters. I inquired of the chair what the status was. Whether they were going to weigh in. Carla (clerk to board), I was told by Chairman Gallugi that she had advanced the question of this alleged violation to the city solicitor. I contacted Donald Conn. For a little bit he was unfamiliar with even the question. He did confirm late last week that he had been presented with the question. I actually don't know what the question was so there was no means for me to respond. I spoke with Attorney Conn several times this week. He was trying to get to it but I suspect if there is no memo in the board's package then I suspect he never got to it. I would ask that we issue an Order of Conditions to this lot. If it is determined at a later date that I have somehow violated, then I think that the building commissioner could be advised not to issue a building permit. The matter has been before this board for quite a while. We have done the best job we could. With respect to providing for stormwater drainage not exacerbating any of the existing conditions in the pond behind us. There has been some work undertaken and continues to be planned by the city of Peabody. Which will improve the condition of the existing resource area behind these lots. You asked us, we got a variance for this house which placed the house kind of in the center of the lot. As a result of a site inspection that took place last year, the board

recommended that if we were to have any chance to get an Order of Conditions that we should move the lot closer to the street. We went back to the Board of Appeals. We were given an Order of Conditions (*insert correction: they were given a variance decision from ZBA not an order of conditions*) which was in response to conservation commission's needs, desires and wishes. That plan is the plan that is before you. We were given an early review by Mr. Langley. We did respond to Mr. Langley with the provision of stormwater management and detention areas under the driveway. In response to several meetings ago we went to impervious pavement (*insert correction: he meant to say pervious instead of impervious*). I believe we have done everything the board has asked with respect to the conservation issues. I would respectfully ask for an Order of Conditions. If there are plans that we promised and we haven't given you, let's discuss what is missing.

MR ATHAS: I know this has been before us for a long time. Attorney Keilty, you knew there was an issue if this plot could ever be subdivided again based on that ZBA some twenty years ago. If we go ahead and say we approve it, we as a body of the city of Peabody are saying it is okay to something that might not properly be before us. Why should we commit to that illegitimacy to something that shouldn't have been before us from the start? So, I do have a problem with even discussing other ways to make it better. It is an issue to whether legally it is before us.

ATTY KEILTY: I think that from our standpoint, and I think from a purely legal standpoint, I believe that the filing has time standards that the filing itself causes the commission to respond to our filing within certain time standards. We are exceeding those. Although we have given continuance at every juncture in order to enable the board to satisfy their conditions. I am firmly of the opinion that the 2003 prohibition against further subdivision is not binding. I have a memorandum with no one to submit to. I was not asked by the city solicitor to respond to a question. I don't know whether the question is even posed to the solicitor but I am very confident that a previous board cannot bind boards for the future as to a provision that says there should be no further subdivision. That is tantamount to a "taking". A future anticipated taking. We filed in a timely manner. I believe it is not time for the board to act. The commission to act. That the issue at the ZBA is not controlling and certainly not controlling upon the commission.

MR RIZZO: I would like to discuss what Mr. Keilty just said. When this project first came before us, the very first thing we saw was this is a tough site to build on. This project came before us and we had a site visit. My opinion was this is an overbuild of a site but when you have a piece of property and a piece of property that is supposed to be a legal lot and buildable, then you have a right to build on it. If we deny a project like this, then that constitutes a taking. So we looked at this matter and tried to tweak this site the best we can to allow a house. It is my opinion that this project shouldn't even be before us. I think it is just too great of an impact. We are too close to the resource area. We can't even accommodate a twenty-five (25) No Disturb Zone. it was after this and after our site visit, I believe that it came to our attention that this site had gone before the Zoning Board. The lot was divided into two lots. Lots A and B. of which those two lots could have one house on them each and that the lot could not be subdivided. You could subdivide that lot and it is because of the wetlands. Not because of zoning laws are. It is because of the impact we create on the wetlands. There is no room to put a house there reasonably without having direct impacts to the wetland to the resource area. For that

reason this lot was said that it could not be subdivided. By subdividing that, my opinion is the property owner has created their own hardship. By subdividing this lot and trying to squeeze something on where there should not be put there. I have a letter in front of me, the zoning board stated that the lot shall not be subdivided further. I said back the last two meetings whether this project should even be before us. It is my opinion, I am not ready to issue an Order of Conditions, it is my opinion unless I get a ruling or something in writing from the Zoning Board. That they know that the Conservation Commission did not want this site subdivided again and based on the Wetlands Protection Act by doing so it comes under segmentation and you created your own hardship. I don't think that should be a burden to us or to the city or to the neighbors who are experiencing so much flooding in the area. I am not ready to issue an Order of Conditions. Unless I have written documentation by the Zoning Board attesting to the fact that they knew what it said before and they changed their minds. I do not want to be a party to issuing an Order of Conditions for this site. I am not ready to move on issuing an Order of Conditions.

MR ATHAS: Or to even entertain the notion of issuing an Order of Conditions either favorably or unfavorably. That is the way I feel.

Discussion ensued. The commission did not appear ready to issue an OoC. They want something in writing from ZBA before continuing. Ms. DeINegro listed local and state regulations that the commission could deny the project under. **Discussion continued.**

ATTY KEILTY: What would you like me to get from somewhere else? An opinion from the solicitor that the prior prohibition against further subdivision is a nullity that can stand or do you want the Zoning Board of Appeals (ZBA) to weigh in? Who are you looking for to say I am not here with an illegal lot.

MR RIZZO: Someone who can legally or tell us, whether it be the ZBA can change a vote. Change the decision of a board to not allow this lot to be subdivided again knowing that it creates impacts to the resource area. That is the idea. That is the reason.

ATY KEILTY: That is not what the decision said. The 2003 I created a five thousand (5,000) square foot lot and a twenty thousand (20,000) square foot lot. We sold off mom's house, which was 5,000. Subsequently I brought a plan before the board that turned the twenty into two tens. The question of whether that in and of itself was a violation is that the question you want to address? No board ever said that you can't subdivide it in the future because of its impact on the wetland. There was no nexus, no connection with respect to at least in the decision or in the minutes of that meeting and subsequently when I go to the board to create the lots you see tonight, they say the actual construction is going to be up to the ConComm and they note that. They know we still have to come here. So, I am happy to provide a continuance if I have a sense of who do I need to get a response from?

MR RIZZO: I think in part DEP would be a party to this. I am of the opinion... (interrupted).

ATTY KEILTY: I am not going to get the DEP involved in a question which is a zoning question.

MR RIZZO: I don't think it is just a zoning question. I look at this and I think the exact reason why this larger size lot was noted to not be subdivided was exactly for the reason because it would create unnecessary impacts or impacts to the resource area. That's why. Otherwise, it would have been three lots there. Why would you have a big giant lot. It would have been subdivided into three lots and not just two. That is just my opinion so I don't know who you have to go to but..

MR ATHAS: Go get a legal opinion from our city solicitor on whether it can be divided. Whether the twenty years ago board no longer has authority for what they did twenty years ago. It will be chaos in the city if we kind of think that way. I don't want to vote on something that is not properly before us. If this was an issue that somehow wasn't caught when it should have been caught, that this lot was not to be subdivided again then go address that one way or the other. Then we will do our job as the Conservation Commission whether we feel it is an appropriate plan for that area of the city.

Discussion ensued regarding wetlands impacts and increased flooding in the neighborhood. Members do not feel that it is a legal lot. At this time, they felt that a continuation was the best option. Attorney Keilty stated he will go to the city solicitor and ask them to weigh in on the old decision. Mr. Keilty asked for a continuance. If it is determined to be a legal lot the plan needs to be revised further as discussed earlier. The variance has been recorded. It should be cited on a new plan.

MR ATHAS: When the new zba approved the plan was there any discussion of the twenty-year-old denial of subdividing this plot? Were they aware of that? Because if you are going to say that they have the authority to change some prior result zoning variance they need to have awareness of the fact there was a prior limitation set on that parcel.

MR RIZZO: Right. That is important because it is my understanding that there is nobody on the board currently that was on the board before. Maybe they weren't even aware of at the time that they approved that change.

MR. LAZARES: They were not.

MS GREEN: From the start I was not in support of this project at all. I will vote to deny it.

No members of the public wished to speak. The item was on the floor for a continuance. Attorney Keilty must submit said documentation by April 24 to be heard at the May hearing. Attorney Keilty agreed with this date.

Motion to continue as made by Mr. Athas. Seconded by Mr. Comak. The motion passed 4-3 with Ms. Cavicchio, Ms. Green and Mr. Lazares voting NO.

5. A continued Public Hearing on a Notice of Intent submitted by Wetlands & Land Management, Inc. (William Manuell) for JND Real Estate Solutions LLC (John Decoulos). The proposed work is the demolition of existing SFH and the redevelopment of parcel into 3 townhouse style units with access driveway, garage parking, landscaping, stormwater management facilities and new utilities. The work also includes 650 SF of filled wetlands and replication areas. The property is known as 24 ½ North Central Street, Map 64, Lot 28, Peabody MA.

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Summary: No one was present, but Mr. Manuell sent an email earlier in the day requesting a continuance. DEP comments have been issued and are as follows: *“The project cannot be approved as proposed. Filling BVW for the development of a condo unit, deck, yard, riprap slope and retaining wall to support fill cannot be approved as it does not meet the performance standards in 310 CMR 10.55(4). MassDEP disagrees that this is a finger-like projection (310 CMR 10.55(4)(c)). In the exercise of discretion, the PCC must consider the magnitude of the alteration and the significance of the project site to the interests of the WPA, the extent to which adverse impacts can be avoided, extent to which adverse impacts are minimized, and the extent to which mitigation measures are provided to contribute to the protection of the interests. The proponent has not submitted an alternatives analysis. Additionally, the alternative would be to eliminate the 3rd unit, retaining wall, riprap slope and driveway, and pull back the drain line.”*

The item has also been sent to peer review. The plans will need to be revised before a vote can take place. There were members of the public in the audience that wished to speak.

Kim and Jim Bates, 24A No. Central Street

MS BATES: We are concerned with what they are planning on doing because we already have, ourselves and other neighbors have a lot of issues with some water flooding and stuff like that.

Summary: Ms. Bates reminded the commission that a similar project was denied in 2008 on the street. Before they purchased their home, the property owner tried to propose a similar project. Kim and Jim stated that there are not much open space/wetlands left for wildlife. They feel the street is built up enough and that areas are starting to erode. Including the yard that work is proposed on. They claim that the yard has eroded at least two feet already. Currently many houses on the street experience flooding yards. They are concerned that a lot of other single-family houses have been converted to multi use. The neighborhood has been suffering due to overbuilding. They are also concerned with the wildlife habitat, flora and fauna. The neighbors are starting to think that the continued requests for continuances are a ploy for them to stop following the public hearings.

Paul Stevens, 24 No Central Street

MR STEVENS: To point out a couple things, I do think it is a tactic that they are trying to use push the public away from these meetings, so they are kind of unopposed. This is going to be the third time that it is continued. This is their application. This is not us submitting to this meeting. I don't know how much further this is going to get continued. We haven't even got a reason why they are continuing. Just that they want a continuance. I think it is purposeful to push the opposition away. So far per person we have spent over ten hours in here waiting for these meetings.

Discussion ensued regarding the continuance requests. The abutters are upset and want to be part of the process. Mr. Stevens felt that the agenda item should be pulled until they are prepared to give a presentation. He is mostly concerned with flooding and wanted to discuss the proposed plan. Since the plan will be revised and the applicant was not present the ConComm felt it needed to be discussed at a future hearing. He

feels that the impervious added will certainly cause flooding on the street and abutting lots. Mr. Stevens will send the staff an email. Once she receives new paperwork, she can forward it to any members of the public that wish to review. As the plan stands it will not move forward with the local commission. At least one unit needs to be eliminated and alteration of the wetlands removed. Once the plan is revised ConComm thinks that it will need to go back to peer review. Therefore, they felt that the June meeting was a better date than May. Ms. DelNegro will make sure that revised documents are circulated to the neighbors. The neighbors still feel that the continuance requests are a smokescreen and want the commission to understand that they will be affected by this development.

Motion to continue until the June hearing as made by Mr. Vivaldi. Seconded by Mr. Comak. The item passed 6-1 with Mr. Lazares voting NO.

The chairman stated after the vote that the revised paperwork for the June hearing must be received no later than May 29th.

6. A continued Public Hearing on a Notice of Intent submitted by Goddard Consulting, LLC (Tom Schutz) for Trustee of 18 Carell Road Nominee Trust (Gilbert Aleixo-Filho). The proposed work is the construction of an extension to Carell Road with associated grading to be used as a snow storage area, turnaround and driveway for a single-family house within buffer zone of BVW. The property is known as 18 Carell Road, Map 57, Lot 74N, Peabody MA.

Summary: Mr. Langley DPS sent the item to legal for review. Staff also received an email at 2:45 pm the day of the hearing requesting a continuance. Since the request was late in the day and various residents were present to speak the commission felt they should have the floor. The applicant was not present, but the item was open to the public for brief comment.

Councillor Michael Higgins- Ward 6

CLLR HIGGINS: Over the past year I have paid a lot of visits to this particular area, more so in the last month. I know members of this commission have been there as well. As you know, this lot 18 is uphill compared to the rest of Carell Road. It is the highest point of that road. As you look down the road in this area, Pierce Road is very close by. Those folks on Peirce Road are having issues with water entering their homes. They have gone to great lengths over the years to prevent that water ingress into their homes by putting in expensive French drains and sub-pumps and that kind of thing. One of the remarkable things I noticed on my last visit there on March 16 with all the trees cut and a remarkable nice day, there was a lot of water in the area. The nearest storm drain is greater than five-hundred (500) feet away on Carell Road. It is down by, I would say, in between ten (10) and twelve (12) Carell Road. And another one on the other side of the street, eleven (11). As I was walking through that area and over to Pierce Road to Forenza, the water issue there is pretty bad. I will be meeting with Will Paultiz and Kevin Kelly at DPS to talk about my concerns with the storm drains there. They are not adequate already. We had water coming up through the sidewalk in one area. It was seemingly like a geyser, water just coming up out of the ground. That was because the storm drains are pretty well clogged. We are going to get that fixed to alleviate that. The road extension proposed

here in this NOI to go further up and to have a snow dumping area and turn around area, fifty (50) feet wide and another hundred and twenty-five (125) feet of pavement is just going to exacerbate the problem for the folks in the immediate area. I find that to be unacceptable. Certainly, it will dramatically impact the quality of life for the residents there in Carell, Pierce and Forenza etc. Having said all that, I would implore this commission to deny this request for a road extension. I will yield my time so other folks get a chance to chime in.

Discussion ensued. The chairman asked for residents to forward recent pictures of flooding if possible.

Stan Gryglik, 4503 Deerfield Circle- Huntington Wood Condominium

MR GRYGLIK: I had the pleasure of also viewing the area with Councillor Michael Higgins on that Saturday. He showed a strong interest and concern for all the neighbors including Huntington Wood as an abutter as well. I know this is getting to be continued again. We just heard that last minute. It is frustrating, I am with Paul Stevens on the last one. They just keep pushing things out and right now there were two plans. I don't know which plan to respond to. Back in February I sent very detailed description of our concern about the original and the second plan that we had a site visit that was in a snow-covered situation. Which did not help us to be able to make some of the other points. I made quite a few points and I believe they are on record. I suggest we need some order of conditions. I heard Chairman Lazares mention about storm drains and that is actually the key. We have seen two plans with a stone trench which is one of the ones I very detailed some of the issues with that and including plowing and storage as well. Then they came up with a cultec device of some kind that was going to catch water. To me catch and hold position on the topology for this 18 Carell Road area is not feasible. You definitely need storm drains. The closest storm drain is just over five hundred (500) feet on the even number side. The other storm drain at the bottom of the street is on the odd number side and that is quite a distance.

Discussion ensued. Mr. Gryglik feels the plan needs to be revised and storm drains need to be installed. The continued request for continuances has also forced a group of Huntington Wood neighbors to stop following the public hearings. The hearings for this address started in December of 2023 and they hear about the continuances at the hearing.

MR GRYGLIK: The drains are significant, and I want to make a point this is not going to sound good. I find that not having at least one double grate storm drain at the corner of Pierce and Carell Road (facing 3 Pierce and 15 Carell Rd) is a serious omission by the city of Peabody DPS.

Discussion ensued. Mr. Gryglik continued to emphasize the need for catch basins near this future house. The existing storm drains need to be cleaned as well. The neighbors have witnessed icing in existing catch basins causing safety hazards. Mr. Lazares stated they can report clogged storm drains via the city's website. **Discussion ensued** regarding other legal issues. Internal city meetings need to take place to have a discussion regarding lot frontage etc. Councillor Higgins stated he will try to facilitate that internal meeting with various city departments. The discussion regarding catch basins

continued and that there may be a clogged section (discussion ensued regarding cleaning and sending cameras through pipes to see if there is an issue). **Discussion continued** regarding frontage. Ms. DeINegro reminded the board that she thinks that is why it has been sent to legal for review. Other abutters also wished to speak this evening.

Desmond Tiihonen, 3 Pierce Road

MR TIIHONEN: I am an immediate abutter. I am very concerned because of the water problems that I already have, at least the threat of them. Whenever it snows, I have to get out there and clear the driveway where it meets the street to ensure that water goes by. At ninety-one it isn't getting easier to do especially when the snowplow comes by two or three times. Critical to the extension whether it is driveway or a city street with a sidewalk required, the slope and grading of that is going to be critical because Carell would have to go up about six (6) feet to get to the level of the new foundation. I would like to see storm drains and I would like to see the rear half of that slope towards the rear of Carell Road so it would prevent any water from coming down that is now being absorbed by the ground. Essentially that is it.

Discussion ensued regarding installing new catch basins in the road. There was also discussion about installing curbs on the street. Currently curbing does not exist in the neighborhood. **Discussion continued** regarding the snow storage area. Snow storage was included in a memo from 2007 for the Winona Woods Subdivision. Winona Woods Subdivision is no longer in existence. The ConComm is not aware that the area will be used in the future as snow storage. That will be determined later. An internal meeting is necessary. Mr. Gryglik chimed in and stated he supports Mr. Tiihonen but he does not support water being discharged towards Huntington Wood property. He wants all the water to continue down Carell Road. He also does not want snow storage at the end of the proposed road. Councillor Higgins stated he will reach out to the mayor and try to set up a meeting asap. He asked all the abutters to also reach out to him. Chairman Lazares reiterated that the commission is also not in favor of snow storage next to the wetlands.

Motion to continue to the June 12 hearing as made by Mr. Vivaldi. Seconded by Mr. Athas. Adopted unanimously 7-0.

7. A continued Public Hearing on a Notice of Intent submitted by Hayes Engineering, Inc. (c/o Peter Ogren) for Atlantic Coast Home (c/o Michael Becker). The owner is Hardy and Munroe, LLC (Michael Becker-manager). The proposed work is the construction of a commercial condominium with associated parking, utilities and landscaping. The property is known as 0 Hardy Street, Map 85, Lot 1, Peabody MA.

Present: Peter Ogren (Hayes Engineering) and Michael Becker (applicant/manager)

Summary: Mr. Ogren gave a brief project presentation. The parcel is totally paved presently. The project consists of 4,900 square foot commercial condominiums with garages on the first floor and possible offices on the higher floor(s). The plumbing will be kept above the flood level.

MR OGREN: The reason we continued this, to get the consultant because I submitted a bunch of information indicating that I thought the flood level was incorrect. I thought another engineer should have a look at it. They did and what I submitted was that in fact it was not a 2014 flood level determination. Rather a prior one before the construction across the street and the improvement in the channel was made. Indeed, I found out through your consultant there is a new flood level study that was done and has not been approved yet. The letter that was submitted by a consultant supported our notion that the flood level is closer to 150 than to 23 on this site. That was very important because there is not an opportunity to do any compensation at elevation twenty-three on this site. I estimated that I thought the flood level should be one fifteen I believe. The detailed flood level came back at one fifteen point four. I don't know if they used some different rain fall data that they used in the prior study. In any event it was agreed that 19.4 would be a proper flood elevation. I talked to my client, and we are willing to drop the building to the lowest existing ground level. Where the floor level would be so that there would be no need for compensation on this site. Regardless of the argument that I brought forward, that there was sort of a "bank" flood of compensation from across the street. We had brought to the commission previously. I think the flood elevation as far as I am concerned, and your consultant is concerned is solved. Dropping the building, we can do that. The other issue that was raised was what we were offering. This is a rebuild project. It is completely paved so it is a rebuilding project. We only need to meet the stormwater standards to the extent practical. We tossed around what we could do in our office. We decided we would offer to put some gas traps in the two existing catch basins that are out in the street. We indicated gas traps or snout (inaudible) in the existing catch basins. We were out there again today, and I think it is feasible to put them in two of them. We were asked the question to whether the existing catch basins have sumps and one of them it is obvious that it has about a three-foot sump. The other one is so full of debris and trash and stuff that you can't tell what the sump is. I think my client is certainly willing to clean that out to put that stormwater device in. I think the consultant was looking for us to bring some infiltration on site. The reason we think that is not practical was because the site has an AUL (Activity-Use-Limitation) and I think infiltration on the site is discouraged. Mike Becker might want to speak more to that. What we are left with was the consultant considered thought that we should have a discussion with the commission as to what they would accept. I don't know if you received any response from the DPW, this letter was sent to him back on the 21st. I think that concludes my initial presentation.

Discussion ensued. The item was in peer review. Comments came back and the commission is in the process of reviewing. Mr. Rizzo brought up compliance with the stormwater standards. Presently a stormwater checklist has not been submitted for review. **Discussion ensued.** The plans will change. According to the applicant the AUL will not allow digging on site. Therefore, they cannot provide any stormwater recharge or stormwater features on site. Mr. Ogren was not sure what type of contamination. The 21E documents should be online. Staff can try to locate them and forward them to the board if they wish. **Discussion ensued** regarding 21E, flood plain management and stormwater standards. Ms. DelNegro stated she received a memo from Mr. Langley, but it did not elaborate on any issues that the peer review touched on in her review. She thinks the commission would need to wait for a close out memo from DPS. Ms. DelNegro stated that the stormwater checklist was not provided with the original NOI and that is a basic requirement even for redevelopment projects. At a minimum, the checklist

should be submitted with reasons why each standard cannot be met or what they are doing to meet it to the maximum extent practicable. Items 4, 8, 9 and 10 in the peer review still need to be discussed. **Discussion ensued** regarding flood vents and if they are a restricted hydraulic connection and the “banked” flood storage from a twenty-year-old Order. Mr. Ogren stated the banked flood storage is off the table if the Commission and city agree with the peer review. Peter stated that item number nine is null as well because of a recent flood study. Item #12 a-c listed in the per review should be discussed before the item is closed. **Discussion ensued** regarding compensatory flood storage and proposed plan changes. At this time the commission cannot vote as the project stands. DEP and the peer review both came back with comments/questions. The applicant will need time to respond to said comments and request more information. A stormwater checklist should be submitted for review. DPS has not issued a closeout memo to date. The conversation continued about the flood plain elevation. Mr. Ogren stated he will try to set up a meeting between Concomm staff, Bob Langley and himself before the next hearing.

DEP Technical Comments also were published online: A copy of the NOI and any associated plans and documentation associated with the Walnut Place Condominium Development must be provided (DEP File#055-0531). All information relating to the amount and location of fill brought onto that site and compensatory flood storage provided on that site must be provided. Additionally, an as-built plan must be provided confirming the grades on that site of BLSF fill and compensatory flood storage area provided.

Motion to continue to the June hearing as made by Mr. Rizzo. Seconded by Mr. Athas. The motion passed 6-0 with Ms. Cavicchio no longer present.

Five-minute meeting recess

8. A continued Public Hearing on a Notice of Intent submitted by Williams & Sparages LLC (Thorsen Akerley) for Ray Falite. The proposed work is the construction of a commercial building, driveways, parking, landscaping, utilities, stormwater, public walking trail with canoe launch and riverfront area restoration. The property is known as 60 Pulaski St, Map 53, Lot 85, Peabody MA.

Present: Christ Sparages (Williams & Sparages LLC) and John Keilty, Esquire (legal counsel)

Documents:

- ▶ Site Plan Set-60 Pulaski Street prepared by Williams & Sparages with a final revision date of 4.4.2024. Stamped by Christ Sparages. Sheets 1-17. Scale as shown.
- ▶ Long Term Pollution Prevention Plan submitted with original NOI- (3 pages)
- ▶ Construction Period Pollution Prevention Plan & Erosion & Sediment Control as submitted with original NOI- (32 pages)
- ▶ Snow Disposal Guidelines as submitted with original NOI- (5 pages)
- ▶ Deicing Chemical (Road Salt) Storage as submitted with original NOI- (2 pages)
- ▶ Long Term Operation & Maintenance Plan with

Summary: Mr. Sparages gave a brief update and presentation. The item has been through peer review and the commission received a closeout memo from DPS. At the last hearing the boat launch area and kayak/canoe racks were discussed. They are now shown on the plan along with a proposed possible parking spot dedicated to boat drop off/pick up. There is also a separate blowup plan of the proposed kayak/canoe racks and launch area. Signage and a drop off parking spot (15-minute parking) is also included in this revised blowup plan. The plan has also been revised to remove the Bradford Pear from the landscaping plan due to diseases. The landscaping plan also shows the launch area, racks, and designated parking spot. Mr. Athas thanks Mr. Sparages for a well thought out plan. **Discussion ensued** regarding two entrances from Pulaski Street. **Discussion ensued** regarding possible special conditions regarding an easement for the public walking trail and launch area. The applicant is concerned with liability issues. Attorney Keilty drafted two proposed special conditions. See conditions 54 and 55 below listed in motion. **Discussion ensued** regarding Parks & Recreation being involved. Mayor Ted is aware of the walking trail, launch and boat racks and is fully supportive. A future plan will need to show the easement mentioned. It should be reviewed along with an easement narrative by the city solicitor. Both should be recorded at the Registry of Deeds (ROD). **Discussion ensued** regarding the walking path and possible indemnification. It will need to be discussed with the city's legal department before the project commences. Attorney Keilty was concerned about the parking space in the rear of the property and people traveling across their lot. He is reluctant to provide a general easement over the entire lot to reach the parking spot. Signs can be installed to notify outdoor enthusiasts to enter at their own risk.

MR ATHAS: Is the applicant going to do the construction, provide the materials for the walkway? Provide the kayak racks and all that? You are going to assemble it all? Once it is in place the city will be maintaining it?

ATTY KEILTY: That is our hope, yes.

Summary continued: No members of the public wished to speak. A final easement plan will be drafted and recorded at the ROD. **Discussion ensued** regarding the easement, car drop off and walking trail. Attorney Keilty stated the only thing he was concerned with was the drop off parking spot. He was okay with people using it as a drop off but did not want to provide an easement for the parking lot. He was not concerned about the easement for the walking trail. He will discuss indemnification regarding the easement with the city solicitor. **Discussion ensued** regarding the parking spot drop off. They could install a sign that reads: "*Community Water Launch- proceed with caution/at own risk-not responsible for damage to vehicle*". Discussion continued regarding proposed condition language.

Motion to close the hearing as made by Mr. Vivaldi. Seconded by Mr. Rizzo. The item passed 5-1 with Ms. Cavicchio no longer present and Mr. Comak not voting.

Motion to issue Standard Order of Conditions 1-50 adding special conditions (**as discussed**): **51**) LSP to be on site during earthwork activities and to provide weekly reports to the ConComm/city detailing where the soil is deposited; **52**) Snow storage areas as shown on C5-1 sheet 10 shall be followed. Snow shall never be dumped in BVW or associated

buffer, rain gardens etc. unless a snow emergency by DEP has been declared; **53)** All Conservation signs and trail walking path/kayak/canoe launch signs are installed shall remain in PERPETUITY; **54)** The Applicant/Property Owner shall work cooperatively with the City of Peabody to prepare the area for the proposed “public walking trail” and “public landing/ canoe/kayak ramp” leading up to and during construction. **The kayak/canoe rack (2 racks total) and walking trail will be installed/constructed by the applicant/owner and not by the city of Peabody.** The Applicant has designed the project to remain outside the jurisdiction of Chapter 91 by keeping all elements of the project above the Mean High Water (MHW) line. The intent was to avoid any permitting through Chapter 91. If, for any reason, a more desirable location is identified in the field during construction for the proposed “public walking trail” and/or “public landing/ canoe/kayak ramp,” that requires Chapter 91 permitting, the City of Peabody will be responsible for permitting the work for the “public walking trail” and/or “public landing/ canoe/kayak ramp.” The Property Owner agrees to authorize any permitting effort the City may need to pursue to secure the right to construct the “public walking trail” and/or “public landing/ canoe/kayak ramp”; **55)** The Property Owner/applicant shall grant easements for public use over the “public walking trail” and “public landing/ canoe/kayak ramp” as a public pathway once these facilities are constructed on the ground. **Said pathway “easement” filed at the South Essex Registry of Deeds as required by the City before the issuance of a Building Permit or the Certificate of Compliance for the Order of Conditions is issued by the Conservation Commission.** The City shall be responsible for future upkeep and maintenance of the constructed “public walking trail” and “public landing/ canoe/kayak ramp.” All easements across the project locus related to the “public walking trail” and “public landing/ canoe/kayak ramp” shall be subject to the prior approval of the City Solicitor. Parking spot: drop off only TBD; **56)** No Certificate of Compliance (Partial or Full) will be issued until the complete construction of the walking trail, access dock, kayak/canoe racks and associated signs are installed. The parking spot drop off is TBD but shown on said plan; also adding all DPS conditions as listed in the DPS memo as made by Mr. Rizzo. Seconded by Mr. Athas. The motion passed 5-1 with Ms. Cavicchio no longer present and Mr. Comak not voting.

9. A continued Public Hearing on a Notice of Intent submitted by LEC Environmental Consultants, Inc. (Ann Marton) for 8 Centennial Drive Owner, LLC c/o Tishman Speyer Development, LLC (Rustom Cowasjee). The proposed work is the redevelopment of the former Analogic building to include razing and removing all buildings and infrastructure. The construction of four new commercial industrial warehouse buildings with internal circulation, parking, loading facility and supporting infrastructure. Portions of the project occur in the buffer zone to BVW. No work is proposed in riverfront. The property is known as 8 Centennial Drive, Map 91, Lot 6, Peabody MA.

Present: Ann Marton (LEC Environmental Consultants, Inc.), Steven Morris (Tishman Speyer), John R Kieilty, Esquire (legal counsel), Tim Houle (BL Companies)

Documents:

- ▶ Land Development Plans Issued for Site Plan Approval-8 Centennial Drive-Peabody MA prepared by BL Companies-stamped by Timothy Houle. Final revision date of 3.21.24. Scale as shown. 79 SHEETS TOTAL
- ▶ SUPPLEMENTAL -BUFFER ZONE RESTORATION PLAN- prepared by Ann Marton of LEC Environmental Consultants, Inc. dated March 22, 2024 and made part of this Order of Conditions (2 page memo and Appendix B= seed mix varieties), Buffer Zone Restoration Plan Sheet LL-9 with a final revision date of 3.21.2024- prepared by BL Companies-stamped by Timothy Houle).
- ▶ Buffer Zone Impact Plan Sheets BZ-1 to BZ-3 prepared by BL Companies with final revision of 10.6.23 stamped by Timothy Houle.
- ▶ Geotechnical Engineering Report dated 10.16.23 prepared by GeoEngineers USA for Tishman Seyer Properties L.P.
- ▶ Stormwater Management Report and Appendix for proposed development 8 Centennial Drive prepared by BL Companies with a final revision date of 3.25.24.
- ▶ O&M Plan with a final revision date of 2.21.24 prepared by BI Companies
- ▶ Overall Snow Storage Plan

Summary: Ann Marton started the discussion about the supplemental buffer zone restoration plan that has been submitted since the last hearing. **Discussion ensued** regarding the plan showing proposed signs (alternating granite and metal posts) proposed plantings and a narrative regarding sequencing and plant mortality percentage rate etc. **Discussion ensued** regarding truck traffic and limiting the traffic. It is something that the Planning Board will need to address. **Discussion ensued** continued regarding the DPS closeout memo. The memo contains proposed conditions from the Horsley Witten peer review. All the conditions will be incorporated into the OOC. **The item was open to members of the public.** Russell Donovan of 11 Quail Road inquired about the flow pattern of water and where the discharge would end up. The applicant explained the stormwater features that will be on the property. They are reducing discharge for all storms. They meet stormwater standards. At this point the commission was prepared to make a motion.

Motion to close as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 6-0 with Ms. Cavicchio no longer present.

Motion to issue a standard Order of Conditions 1-50 (**as discussed**) adding the following special conditions: **51)** An As-Built Plan is required when requesting a Partial or Full Certificate of Compliance. A Partial or Full Certificate of Compliance will not be issued or released until the buffer zone restoration portion of the project has been completed in compliance with said Supplemental Buffer Zone Restoration Plan mentioned above. Buffer Zone Restoration work must be completed under the guidance of a wetland specialist. The Restoration Area is in PERPETUITY; **52)** Supplemental Buffer Zone Restoration Plan work shall be done under the guidance of a wetland specialist. SHALL REMAIN IN PERPETUITY; **53)** Final signed O&M Plan to be provided to ConComm when filing a partial or full Certificate of Compliance; **54)** Signs along the resource stating “Environmentally Sensitive Area/No Disturb Zone/No Snow Storage” are in perpetuity (see detail and spacing for approval); **55)** Subject to all requests/memos made by Horsley Witten Group as a third-party peer review for

Planning Board/City; **56)** The O&M Plan is in perpetuity and maintenance reports MUST be submitted via email to lucia.delnegro@peabody-ma.gov or current staff once system is online annually starting on 10.31. The property owner shall mail proof of inspections and cleaning of the stormwater system to the Public Services Department c/o Environmental Engineer, 50 Farm Avenue, Peabody, MA 01960 and via email to conservation staff as listed above by October 31st of every year and is to retain a copy for themselves. This condition should run in perpetuity; **57)** PRECONSTRUCTION MEETING required before any work commences including site preparation.

58) QUARTERLY PROJECT UPDATES are required once work commences. They shall be emailed to conservation staff at lucia.delnegro@peabody-ma.gov or current staff.

59) The wetlands shall remain free of debris throughout the construction/development.

60) As part of the FINAL O&M Plan- The street sweeper type and frequency will be decided during the Certificate of Compliance process. A vacuum sweeper was the preferred type; **61)** The area of the retention basins shall not be used for stockpiling or in a way that may negatively impact their ability to properly operate in the future. Any temporary/construction sedimentation basins constructed in the area of the retention basins shall be approved by the Engineering Department; **62)** At least 30 days prior to commencing land disturbance activities, the applicant shall provide copies of the following documents to the City: a) Signed Stormwater Pollution Prevention Plan b) Signed Construction Operation & Maintenance Plan c) Construction Schedule

63) Prior to seeking a Certificate of Compliance, the applicant shall provide the City with a signed Final Operation & Maintenance Plan. THE O&M PLAN BUDGET MUST BE SUBMITTED TO THE CONCOMM AT THE TIME OF A CERTIFICATE OF COMPLIANCE REQUEST AS WELL; **64)** A signed Illicit Discharge Statement shall be provided to this DPS/ConComm prior to the drainage system coming online. **And the following checklists:** Checklist C – Storm Water Management 1.No construction of buildings shall take place until such time as the stormwater management facility is built. Said facility shall be constructed in accordance with all approved and attached plans and maintained in accordance with the Operation and Maintenance Plan. 2.All elements of the storm water management system on site, including berms and vegetative cover, shall be maintained in a condition to prevent filling or alteration of wetland resource areas by erosion and sedimentation, or flooding of adjacent properties. If the system proposed under this Order/Permit causes erosion and sedimentation or other alteration of wetland resource areas, it shall be modified by the owner under the direction of the Commission; Checklist E – Performance Bond 1.Prior to the commencement of demolition or work on site, a bond shall be posted with the Commission in the amount of \$20,000.00 for the Buffer Zone Restoration Plan; Checklist F – Commercial Projects – Administrative 1.Prior to construction, the applicant shall inform the Conservation

Commission in writing of the name(s) address(es) and business and home numbers of the project supervisor(s) who will be responsible for insuring performance of all sedimentation and erosion control measures, wetland alteration and replication aspects of the project. 2.Commencing with the issuance of this Order and continuing through the existence of same the applicant shall submit to the Conservation Commission a written progress report every two months detailing what work has been done in or near the resource areas; Checklist G – Large Commercial Projects – Erosion / Sedimentation Control 1.The drainage system, (replication area and compensatory storage areas if applicable), shall be constructed during the initial phase of the project so that they may be functional during construction. Said structures shall be kept free of silt and debris to ensure their proper operation. All drains shall be maintained until construction is

completed. 2. There shall be no stockpiling of soil or other materials within 100 feet of any resource area. Strawbales shall be placed around the stockpiled material.

3. Stripping of vegetation, clearing and grubbing of trees, grading or other soil disturbance shall be done in a manner that will minimize soil erosion. To the extent practical, limited portions of the area should be cleared at one time to allow construction to proceed and the area to stabilize within the buffer zone; 4. Upon completion of construction and grading, all disturbed areas located outside resource areas shall be stabilized permanently against erosion. This shall be done either by sodding or by loaming, seeding, and mulching according to Soil Conservation Service standards. If the latter course is chosen, stabilization will be considered once the surface shows complete vegetative cover has been established; Checklist H – Large Commercial Projects – Fueling /Equipment Storage

1. Servicing and storage of equipment (including, but not limited to refueling, changing, adding, or applying lubricants or hydraulic fluids) shall be done in areas in excess of one hundred (100) feet from all resource areas, as shown on the plans. Such equipment must be maintained to prevent leakage or discharge of pollutants. Overnight storage of equipment must be a minimum of fifty (50) feet from such delineated resource areas. 2. Used petroleum products from the maintenance of construction equipment and construction debris shall be collected and disposed off-site. No on-site disposal of these items is allowed. 3. During and after the work on this project, there shall be no discharge or spillage of fuel, oil, or other pollutants into any resource area; Checklist I – Large Commercial Projects – Drainage System & Roads

1. All effluent catch basins shall contain oil/gasoline traps and it shall be a continuing Condition of this Order, even after a Certificate of Compliance has been issued, that the oil/gasoline traps in the catch basin be maintained. 2. All elements of the storm water management system on site, including berms and vegetative cover, shall be maintained in a condition to prevent filling or alteration of wetland resource areas by erosion and sedimentation, or flooding of adjacent properties. If the system proposed under this Order/Permit causes erosion and sedimentation or other alteration of wetland resource areas, it shall be modified by the owner under the direction of the Commission.

3. All streets and drives shall be kept clear of debris and dirt; Checklist J – Dewatering

1. Any dewatering activities on the project site in which water will be released to Resource Areas shall make use of a settling pond or similar device to remove sediment before water is released.; as well as all DPS/City Engineer conditions noted in DPS memo as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 6-0 with Ms. Cavicchio no longer present.

ENFORCEMENT ORDERS/VIOLATION ORDERS

11. A continued Enforcement Order issued to the Salem Country Club- for the following activities: Removal of living trees/grinding/grubbing stumps in buffer zone/in close proximity to jurisdictional resource areas and depositing woodchips in buffer zones and along local riverfront woods. The property address is known as 133 Forest Street, Peabody MA.

Item previously continued to the May 8th hearing. No motion or discussion.

MINOR PERMITS TREES AND OTHER

•Tree Request- NONE

● **Minor Permit Request- 142 Forest Street-** Second story rebuilt due to tree damage. No staging or stockpiling will take place near the resource. Work was approved on 3.7.24 and should be finished within 3 months of the start date.

Motion to accept as made by Mr. Rizzo. Seconded by Ms. Green. The motion passed 6-1 with Ms. Cavicchio no longer in the meeting.

OTHER ITEMS

- Correspondence dated 3.12.2024 from National Grid regarding a planned and scheduled vegetation sideline maintenance work on the right of the transmission right-of-way.
- Correspondence dated 3.6.2024 from BSC Group regarding the multi-use path construction of Independence Greenway at I-95 and Route 1.

Motion to accept correspondence as made by Mr. Rizzo. Seconded by Ms. Green. The motion passed 6-1 with Ms. Cavicchio no longer in the meeting.

● **Discussion item-** Avalon Bay Communities **DEP file No. 55-499.** Full Certificate of Compliance was issued on 6.9.2016 with the ongoing condition that the O&M Plan is in perpetuity. The Conservation Agent has been corresponding via email with the property management company since 8.1.2024. To date no maintenance has been completed on either detention basin. The Commission should consider giving them a deadline for said work or issuing either a Violation Order or Enforcement Order (with or without fines).

Present: Sara Consolo (Regional Property Manager Essex Apartments on Avalon Dr.)

Summary: The detention basins have not been maintained. The owner could not locate the historic O&M Plan. They hired Hancock Associates to draft a new one. Discussion ensued. The tree stumps should be grinded to ground level or an inch below. The roots do not need to be removed. The commission gave them until the last day of July 2024. The O&M maintenance reports going forward must be submitted annually on 10.31. The O&M will be revised with that date.

Motion that work MUST be finished July 31,2024. If the work is not completed an Enforcement Order will be issued as made by Mr. Rizzo. Seconded by Mr. Vivaldi. Adopted unanimously 6-0 with Ms. Cavicchio no longer present.

● **Adjournment**

Motion to adjourn as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 6-1 with Ms. Cavicchio no longer present.

The meeting adjourned at 11:37 PM

Respectfully submitted, (To be signed electronically)

Chairman Stewart Lazares