



## City of Peabody Conservation Commission

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

### MINUTES

**May 8, 2024**

**Link:** <https://peabodytv.org/videos-on-demand/?vid=1242>

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 (arrived 7:15)  
Amanda Green  
Alternate Brian Cassidy  
Alternate Jamie Harrop

#### MEMBERS ABSENT

Ritamarie Cavicchio

**Also Present:** Lucia DeINegro, Conservation Agent; Brendan Callahan,  
Assistant Director of Planning

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

**NOMINATION COMMITTEE:**

●Chairman Lazares to appoint a one person nominating committee for Commission officers.

Chairman Lazares appointed Michael Rizzo

**CERTIFICATES OF COMPLIANCE**

*Items 1 and 9 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.**

**9. A continued 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:** Attorney David Ankeles

**Summary:** Erosion controls are installed. The pavement has been removed and loam and seeded. The work has not been completed yet. The fence, granite posts and signs will be installed as soon as the contractor can get to the site.

**Motion** to continue Items 1 and 9 as made by Mr. Athas. Seconded by Mr. Rizzo. The motion passed 5-0 with Mr. Comak not voting (not in attendance until 7:15).

**2. A continued 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.**

**Summary:** Hayes Engineering has not returned emails from staff. The commission cannot vote without an As Built Plan.

**Motion** to continue as made by Mr. Rizzo. Seconded by Ms. Green. The motion passed 5-0 with Mr. Comak not voting (not in attendance until 7:15).

**3. A request for a FULL Certificate of Compliance as made by Ann Marton (LEC Environmental Consultants, Inc.) for DEP File No. 55-899. The proposed work was the redevelopment of the property as a storage warehouse facility including razing and removing all existing buildings and infrastructure and constructing a new state-of-the-art storage warehouse building with internal circulation, parking,**

**loading facility, supporting infrastructure. No work commenced and a new Order of Conditions has been voted on for DEP File No 55-931. The address is known as 8 Centennial Drive, Map 91, Lot 006, Peabody MA.**

**Present:** Ann Marton (LEC Environmental Consultants, Inc.)

**Motion** to issue Full Certificate of Compliance checking off the invalid box stating work never commenced. Future work will start under a new DEP File No. 55-931 as made by

Mr. Rizzo. Seconded by Ms. Green. The motion passed 5-0 with Mr. Comak not voting (not in attendance until 7:15).

### **NOTICE OF INTENTS**

**4. A Public Hearing on a Notice of Intent submitted by Green International Affiliates, Inc. (Danielle Spicer) for the City of Peabody (Brendan Callahan). The project proposes to extend the existing Independence Greenway from its eastern terminus at Essex Center Drive to Endicott Street for a total project length of approximately 1.3 miles. The work area is located along a former railroad right-of-way. The property is known as Former B&M railroad easement, Northshore Road, Essex Center Drive, Endicott Street, Map N/A, Lot N/A, Peabody MA.**

**Present:** Brendan Callahan (Assistant Director of Planning) and Danielle Spicer (Green International Affiliates, Inc.- city consultant)

**Summary:** Mr. Callahan gave a brief introduction and history to the project. The project is the extension of a section of the Peabody Independence Greenway (PIG-bike path). The bike path was conceived in the 90's. The original vision of the PIG went east to west from the town line in Middleton to the city line of Salem. It mostly followed the abandoned railway corridor. In 2009 two sections were completed (Lt Ross Park and Lahey Clinic sections). Several years later the Kristen Crowley trail also came to fruition (connects to the Danvers Rail trail). The reason the entire PIG has not been developed was because of several highways hindering the connections (Route 1, Interstate 95 and Route 128). The section we are discussing tonight is the section from Lahey Clinic Trailhead that will connect to the Endicott Street Bridge. Mr. Callahan mentioned other bikeway projects that are in the works. In 2014 the city purchased the abandoned railroad (RR) corridor from Endicott Street to North Shore Road to develop this extension of the PIG to connect to the existing trail at Lahey Clinic. In 2019 the city applied for and was selected to be on the Transportation Improvement Program (TIP). The city was also able to secure construction funding for the bike path extension. The city is responsible for paying for the design and permitting. The state and federal government will pay for the construction of the project. The current construction cost assessment is 7.5 million dollars for this section of the bike path extension. The path begins at the terminus of the existing Greenway at Lahey Clinic Trailhead. It will follow along the area of the existing sidewalk on Essex Center Drive. It will go under the 128 underpass and do a hairpin turn onto North Shore Road towards Lowell Street. It will travel along North Shore Road until it reaches the abandoned RR corridor. It will then follow the RR line until Endicott Street bridge. There are wetlands along the RR bed which is why they are before the commission. It is about 1.5 miles of bikeway. It will be a ten-foot-wide paved path.

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Ms. Spicer introduced herself and continued with the presentation. Proctor Brook meanders down the RR corridor. There are various culvert crossings. Ms. Spicer went over the resource area impacts (temporary and permanent). They are proposing wetland replication to compensate for lost wetlands associated with the project.

**Discussion ensued.** A 4' x 8' box culvert will be replaced. Rip rap will be placed to mitigate scour and erosion. The amount of rip rap will be lowered, and natural stream bed material will be added on top. **Discussion ensued** regarding steep slopes associated with culvert replacement and habitat value. There are two smaller culvert replacements areas that are in disrepair and need to be replaced (thirty-six (36) inch and twenty-four (24) inch). Both are being replaced in kind. Proctor Brook is to the north of these culverts. Energy dissipation is proposed for both. There is another very large 4' x 8' box culvert replacement and is similar to the one mentioned earlier (rip rap, natural stream bed etc.). A boardwalk is proposed where the brook gets wider. The boardwalk is designed to use helical pilings for the least amount of wetland impact. They discussed the alternative analysis of a large span bridge which would have more impact to the resources. Helical piles have very little impact and soil spoils. Compensatory flood storage has been provided for filling the flood plain. The consultant feels they are providing more flood storage than what is being lost. She explained there will be a net cut of approximately 490 cubic feet of extra storage provided. The consultant directed the board to the tables on the plan for more clarification. The boardwalk is elevated above the 100-year flood plain except for the helical piles. Stormwater is provided in an upland area and includes an infiltration trench. Other areas were not feasible due to site restraints. After the presentation the commission asked questions. The project is expected to be advertised in August. Bids will come back in September 2024. The schedule has a Notice to Proceed in November 2024. The actual work will most likely start Spring 2025 with a twelve-month construction schedule. Work should be completed by Spring of 2026. The work will most likely be phased. DEP issued comments this week. **Discussion ensued** regarding the comments. There are other permits associated with the project. It did trigger MEPA and they are in the DEIR process. They also need a Water Quality Certificate (WQC) dredging permit from DEP. **Discussion ensued.** Since it is in an Environmental Justice neighborhood it automatically triggers an Environmental Impact Report (EIR) review threshold. The project team has met twice with DEP (once on site the other via meeting). Comments for the DEIR are due this week. Army Corps of Engineers (USACE) is also involved in the permitting. They are going through the right of way process as well. The bike path will be paved because it is a MASSDOT project. **Discussion ensued** to clarify some of the items discussed earlier. The item was open to members of the public. Shauna Memmolo of 20 Castle Circle was curious how close the path would come to her property line. She will reach out to Brendan to discuss further.

**Motion** to continue as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 6-0.

**5. 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**

**Motion** to continue as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 6-0.

6. 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.

**ITEM CONTINUED UNTIL THE JUNE 12TH HEARING-NO DISCUSSION-NO MOTION NECESSARY**

7. 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.

**ITEM CONTINUED UNTIL THE JUNE 12TH HEARING-NO DISCUSSION-NO MOTION NECESSARY**

8. 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.

**ITEM CONTINUED UNTIL THE JUNE 12TH HEARING-NO DISCUSSION-NO MOTION NECESSARY**

#### **ENFORCEMENT ORDERS/VIOLATION ORDERS**

*Item nine was taken out of order and discussed with item 1.*

10. 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.

**Motion** to continue until the June hearing as made by Mr. Vivaldi. Seconded by Ms. Green. Adopted unanimously 6-0.

#### **MINOR PERMITS TREES AND OTHER**

● **Tree Requests:** (TBR= to be removed)

11 **Cobb Avenue-Whitcomb Tree-** 2 dead dangerous trees TBR-approved on 4.9.2024.

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**YMCA 259 Lynnfield Street-Keith's Tree Service-** 3 dead dangerous trees TBR- approved on 4.8.24.

**21 Pleasant Street-Iron Tree Service-** 2 dead trees TBR and one tree vista pruned- approved on 4.17.24.

**Motion** to accept the three tree requests as made by Mr. Vivaldi. Seconded by Ms. Green. Adopted unanimously 6-0.

●**Emergency Certificate- Beaver dam breaching-** dam located off Crystal Drive/Bike Path. Work started 4.17.24 and ends on 5.16.24. The Health Department deemed it an emergency.

**Motion** to ratify the EO as made by Mr. Rizzo. Seconded by Mr. Athas. The motion passed 5-1 with Ms. Green voting NO.

● **MINUTES- March 13, 2024**

**Motion** to approve the March minutes as made by Mr. Vivaldi. Seconded by Ms. Green. Adopted unanimously 6-0.

● **Adjournment**

**Motion** to adjourn as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 6-0.

The meeting adjourned at 8:25 PM

**Respectfully submitted, (To be signed electronically)**

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**Chairman Stewart Lazares**