



City of Peabody Conservation Commission

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

MINUTES

OCTOBER 12, 2022

YouTube link: <https://www.youtube.com/watch?v=tZGr2jrhZ4g>

The Peabody Conservation Commission hearings will be held remotely until March 31, 2023. 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 certain 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.

Individuals may participate remotely in the meeting via a remote participation platform called Zoom.

MEMBERS PRESENT

Chairman Stewart Lazares
Vice Chairman Michael Rizzo
Sec. Michael Vivaldi (left at 10:50)
Arthur Athas
Amanda Green (left at 9:57)
Bruce Comak

MEMBERS ABSENT

Travis Wojcik
Alt. Ritamarie Cavicchio

1 alternate member opening
(forward resume to mayor's office
if interested in being appointed)

Also Present: Lucia DelNegro, Conservation Agent

CHAIRMAN LAZARES CALLED THE MEETING TO ORDER at 7:05 PM

•**Minor Work Applications:**

-Proposed Replacement Gas Anode Bed Project (easement First Ave and 245 Lynnfield St)

Present: Matthew Raymond Sr. (National Grid)

Motion to accept and approve the minor project application as made by Mr. Rizzo. Seconded by Mr. Comak. Adopted unanimously 6-0.

-8 Cobb Avenue- Add crushed stone to existing driveway

Motion to ratify/accept the Minor Permit application as made by Mr. Athas. Seconded by Ms. Green. Adopted unanimously 6-0.

ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

1. A continued Public Hearing on an Abbreviated Notice of Resource Area Delineation submitted by LEC Environmental Consultants, Inc. (Richard Kirby) for Osborne Hills Realty Trust (Paul DiBiase-Trustee).The applicant is seeking confirmation for the extent and location of wetland resource areas that may be subject to jurisdiction under the Massachusetts Wetland Protection Act and the City of Peabody Wetlands Ordinance within and surrounding the property known as 0 Sherwood Avenue, 7 Home Street and 47 Home Street, Map 110, Lot 2x; Map 104, Lot 1; Map 111, Lot 1, Peabody MA.

Present: Richard Kirby (LEC Environmental Consultants, Inc.)

Summary: The plan has been revised as discussed at the last hearing. The applicant attempted to get in touch with the abutters to flag and delineate their property. They were notified via certified mail three times and a week apart. They were unable to make a connection. Therefore, the plans show the approximate location of the offsite stream and approximate location of the buffer zones as it extends from the wetland boundary offsite. The buffer zone was added to the IVW. Flag 4C was eliminated and flag 3C was connected to flag 5C. The yard located on Home Street (shown on plan as map 11, lot 1) is now labeled as wetlands. The item was open to members of the public.

Harold Roberts, Home Street Salem bordering Peabody

MR ROBERTS: The area that you are talking about (lawn with the volleyball court) floods right up to my driveway on occasion. The thing I am puzzled about is when they tried to build in Salem alongside the brook it was a null and void issue. The state got involved because of the wetlands. I don't see how going across the brook on the other side of the brook is feasible with the wetland there. The state got involved the last time because of endangered flowers and some turtles were involved. They are an endangered species.

Discussion ensued. Mr. Roberts is not in favor of any future work along the river and wetlands in this area. He also stated that the property owner's current tenants have been

violating wetland laws. They have been continuously cutting wetland vegetation without permission from the commission for years.

Motion to close the hearing as made by Ms. Green. Seconded by Mr. Rizzo. Adopted unanimously 6-0.

Motion to issue an ORAD accepting the delineation of the following resource areas: Strongwater Brook associated bank and BVW (B-series, numbered only series and A-series sheet #2), BVW along driveway and property lines sheet 2 shown on map 111, lot 1 (showing the entire parcel/lawn area as wetland resource), sheet two B-series (BVW), C-series (BVW) and I-series (IVW) and all associated buffer zones and riverfront areas as made by Ms. Green. Seconded by Mr. Athas. Adopted unanimously.

ENFORCEMENT ORDERS

2. A continued Enforcement Order issued to the Salem Country Club and Dan Mayer (Mayer Tree)- 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.

Present: Michael DeRosa (DeRosa Environmental Consulting, Inc.) and Ben Staples (Certified Master Arborist)

MR LAZARES: Before we get started, I would like to say something. We have been very lenient and very cooperative with the country club. We have allowed them to play golf basically all summer. We have done some serious studies and hired a consultant. I think tonight we are ready to put this to bed and come up with a resolution.

Summary: DeRosa completed their "draft" canopy loss assessment using Google Earth and an overlay. They calculated an estimated 3.9 acres of canopy loss in ConComm jurisdiction and 5.4 acres outside ConComm's jurisdiction. For a grand total of 9.2 acres throughout the property. Canopy is an important part of an ecosystem, so DeRosa wanted to look at the loss as well as the number of trees removed. **Discussion ensued.** Aerial photography from Google Earth shows the extent of work that was done along the pond's edge. It is clear from the images that this work violated wetlands laws and required a permit from the commission. The area of disturbance along the pond's edge is approximately 53,012 square feet (this includes 203 linear feet of vegetation loss along the pond's edge).

MR DEROSA: Abby also flew the drone on a couple of the holes and did a comparison from photos that were taken from the Country Club website. Then she took aerial photos this summer from the same angle. I will show you those images. There is nothing that is quantified in that, but it gives you a graphic image of some of the impact. One of the things I did was look at the species in the cut areas. When the trees were cut obviously taking out the canopy is going to change that microclimate beneath those areas. In many cases those areas have been occupied by invasive species (everything from smartweed,

mugwort, Russian Thistle, pokeberry, and other species). One species of particular interest is Japanese Hops, which we haven't seen much on the North Shore. We have one other site in Boxford that has Japanese Hops. This stuff grows about thirty feet a year and will take over very quickly. It has gone to seed already, and we really need to have the club get on this. I will talk to Bill Rocco about that specifically and point it out to him, where that needs to be harvested, bagged and destroyed. We do not want that getting established. It is right near the thirteenth fairway in that same area near the second tee and the eighteenth tee. This information is really to inform the club in preparation of a revised Restoration Plan. It is a way to sort of quantify the amount of impact but also give some direction to the commission and to the club as to what we are looking for in this revised Restoration Plan. We have talked to Bill Rocco, and we have talked to their consultants about opportunities at the club to improve things overall. Obviously, canopy is one of those things. Understory and herbaceous plantings are also a big part of that.

We looked at all the areas of impact where the holes are, the 1st, 2nd, 3rd, 4th, 9th, 13th, 14th, 15th, 16th, 17th and 18th areas, fairways, tees, and greens. This is the summary of Ben Staples. Ben can take questions after. Basically, the trees were largely deciduous. There were some white pines that were taken down. American Beech, Elm, hophornbeam, cherry, birch, hickory, oak, maple, and black locust were the primary species. The majority of the trees were twenty to thirty-six inches in diameter. Which are significant trees and why we have such a high number in canopy loss. One of the big things we found in a couple areas was the accumulation of wood chips from the trees that were cut. In some areas there were six (6) to seventeen (17) inches and that needs to be removed. I think it is in the Amended Enforcement Order which we will go through after this. Anything over two to four inches is really going to start suffocating the tree and the root growth and impacting the root growth. We can talk to more issues about that if the commission wishes. We are really looking for a 2-to-four-inch depth of those woodchips. They are not a bad thing to have in the forest floor but at six to seventeen inches they are too deep. They need to be taken out.

Quite a few trees that have been cut have stump sprouts three to four feet. Some of the stump grinding wasn't complete. We have these areas along the end of the stumps where new growth will develop, and we are seeing that. I think that was along the fourteenth fairway/fifteenth fairway area. This is also an opportunity for the club. Carefully attending to these sprouts can encourage structurally sound growth from this budding and recovery growth. That should be something that should be looked at in the amended restoration plan. Ben also gives some species that might be good to look at for canopy. Then he talks about some caliper trees as well for restoration.

Discussion ensued. The DeRosa Team traced the canopy areas from 2021 and 2022 and created an overlay with the information. This information can be found in the document that was prepared by the DeRosa team. Mr. DeRosa went through the document hole by hole for canopy loss.

MR DEROSA: I think the take home message again from this assessment is to give the commission a sense of the extent of canopy loss and impact to resource areas and buffer zones. And to give the club some direction and their consultant some direction for what the commission is going to be looking for in an Amended Restoration Plan.

MR LAZARES: I have one statement to make. I looked it up while you were talking. An acre of land is equal to one football field. If they wiped out nine acres that would be nine football fields. The question I have is, in all these areas where we reduced the growth and light has been allowed to shine in, is it also an area where invasive species are now taking over and growing like crazy in every case?

MR DEROSA: In most cases yes. There are some cases where we had some other natives that were coming in or were probably already there. Things like oak sedge, red fescue are present in some areas where the canopy was cut. Both of those species, red fescue can take some heat, but oak sedge tends to like to be in the understory. That species in particular is probably going to diminish in its aerial coverage. These areas are different from what was there before. The shade tolerant species are going to be moving out and sun tolerant species are coming in. That is what we are seeing. The early successional species like smartweed, like these other things we are seeing out there. Pokeweed and things like that. They are sun loving and they will come in there and take over by establishing themselves in the seed beds. We think part of this restoration plan needs to address those areas in particular and replace those with sun tolerant species. Species that are going to do well there that are native and not become a seed source of invasive material.

Discussion ensued regarding the Amended EO and proposed action items. The chairman wanted revisions made to some sections as discussed. Further **discussion ensued** regarding the wood chip piles being removed. The method will have to be approved beforehand. The woodchips should be removed immediately after method approval. The commission wants them removed before snowfall.

Motion to accept and ratify the Amended Enforcement Order that was drafted by the agent and peer review consultant with revisions discussed as made by Mr. Athas. Seconded by Mr. Rizzo. Adopted unanimously 6-0.

Motion to continue until November as made by Ms. Green. Seconded by Mr. Athas. Adopted unanimously 6-0.

3. A continued Amended Enforcement Order issued to Pedro Polini for work located at 60 Warren Street Extension. The property owner has done various projects in riverfront without a permit from the commission. The most egregious issue is the failing retaining wall, and the stormwater drainage pipes into Proctor Brook.

Summary: The violator was not asked to attend the hearing. They have until 10.31.22 to remove various items stored on city owned land. The commission voiced frustration that PMLP, building departments and the city's legal department is unwilling to help with the EO. The item has been on the agenda since 2019.

Motion to continue as made by Mr. Athas. Seconded by Mr. Rizzo. Adopted unanimously 5-1 with Mr. Comak voting NO.

CERTIFICATES OF COMPLIANCE

4. A continued request for a FULL Certificate of Compliance as made by Frederick Hostrop (Neptune Engineering) on behalf 160 Main Street Realty LLC (Nikolay Polinovskiy) for DEP File No. 55-793. The project was the redevelopment of a previously degraded site for commercial and residential use. The address is known as 166 Main Street, Map 086, Lot 150B, Peabody MA. Partial CC has been issued. Item will remain on agenda until a Full CC can be requested.

Motion to issue a Full Certificate of Compliance with the following conditions: 1-O&M in perpetuity; 2-Dumpster must be covered at all times; 3-Riverfront Enhancement Area (REA) must remain in perpetuity; 4-Signs established along REA must remain in perpetuity; 5-O&M Plan Proposed Stormwater Management Facilities is in perpetuity; 6-Snow Stockpiling is not allowed on site; 7-Snow shall never be dumped into the brook (see cond. #50) as made by Mr. Rizzo. Seconded by Mr. Comak. Adopted unanimously 6-0.

5. A request for a FULL Certificate of Compliance as made by Giovanni Fodera, PE on behalf of Mike Messak for DEP File No. 55-612. The project was the demolition of an existing building and the construction of a new structure. The address is known as 23 Central Street, Map 85, Lot 19x, Peabody MA. Partial CC has been issued.

Present: Attorney John Keilty (legal counsel)

Summary: The datum on the As Built is different from the approved plan. This makes it difficult to confirm if the flood elevations are correct.

Motion to continue as made by Mr. Vivaldi. Seconded by Mr. Comak. Adopted unanimously.

6. A continued request for a FULL Certificate of Compliance as made by Mel Higgin (Weston & Sampson) on behalf of the Salem Country Club (Peter Fischl) for DEP File No. 55-845. The project was proposed parking lot improvements and buffer zone restoration. The address is known as 133 Forest Street, Map 59, Lot 81X (portion), Peabody MA.

Present: Mel Higgin (Weston & Sampson) and William Rocco (Salem Country Club)

Motion to issue a Full Certificate of Compliance with the following condition: O&M is in perpetuity (basin, access road and parking lot must be maintained) with the stipulation that the Order will be held until staff confirms all work has been completed as made by Mr. Vivaldi. Seconded by Mr. Rizzo. Adopted unanimously 6-0.

REQUESTS FOR DETERMINATIONS OF APPLICABILITY

7. A continued Public Hearing on a Request for Determination of Applicability submitted by Baker, Braverman & Barbadoro, PC (Kimberly Kroha, Esquire) for JD Raymond, Inc (abutter). The property owner is The Residences at Farm Avenue,

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LLC. The proposed work is a 6-story 40B apartment building with 116 residential units and parking on the ground floor. The property is known as 27R Farm Avenue, Map 69, Lots 005A and 12, Peabody MA.

Motion to allow the applicant to withdraw the RDA as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 6-0.

8. A Public Hearing on a Request for Determination of Applicability submitted by Devon Morse (Hancock Associates) for Daniel Flaherty (owner). The proposed work is the construction of a detached garage. The property is known as 103 Goodale Street, Map 17, Lot 99B, Peabody MA.

Present: Daniel Flaherty (owner) and Devon Morse (Hancock Associates)

Documents:

Plot Plan of Land Peabody MA prepared for Daniel & Jan Flaherty-103 Goodale Street prepared by David Terenzoni PLS Scale: 1" = 60', dated 7.13.22.

Discussion ensued. There were no members of the audience that wished to speak for or against the project.

Motion to close the public hearing as made by Mr. Athas. Seconded by Mr. Rizzo. Adopted unanimously 6-0.

Motion to issue a Negative Determination with the following conditions 1) Erosion controls to be inspected before the commencement of work; 2) ConComm staff must be notified once all work is complete to approve the removal of erosion controls and compliance to be held until staff can confirm the landscaping debris has been removed outside jurisdiction as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 6-0.

9. A Public Hearing on a Request for Determination of Applicability submitted by Nobis Group (Cassandra Koutalidis) for Brooksby Village by Erickson Senior Living. The proposed work is the redevelopment of an existing landscaped area to expand outdoor amenities to residents. The property is known as 100 Brooksby Village Drive, Map 027, Lot 005X, Peabody MA.

Present: Cassandra Koutalidis (Nobis Group) Allison Taylor (landscape architect)

Documents:

•Brooksby Village Kingsbury Court- Conceptual Site Layout Sheet C-1, dated August 2022- Prepared by Nobis Group.

•Brooksby Kingsbury Clubhouse- Proposed Site Plan- Erickson Senior Living dated 7.21.2022 prepared by Hord/Coplan/Macht.

•Brooksby Village Court RB2.2 Landscape Plan dated 6.10.22 prepared by Hord/Coplan/Macht.

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Summary: The work is proposed outside the Kingsbury Clubhouse. The project is the redevelopment of a landscaped outdoor recreational area. Brooksby Village was constructed approximately forty years ago. The proposed work is within buffer zone but there will be no changes to the drainage patterns. The project area is already developed as outdoor use for the residents. The project would enhance the existing outdoor space and include the following new amenities and upgrades: two amenity terraces (twenty four (24) feet in diameter) with tables, chairs and umbrellas (one will have a fire feature and one a water fountain), expanded hardscape area outside the doors (to serve as a pad for performances-similar to a stage), a covered pavilion with patio space below, existing walking paths will remain and new paths are also proposed (five (5) feet wide). There will be no grade change. Native plantings are also proposed. No existing trees will be removed. Work should start in 2023. The existing water and gas lines will be extended from the building to the new features. **Discussion ensued.** Mr. Comak suggested the use of pervious pavers. The applicant declined stating it was a tripping hazard for elderly residents. Due to the drainage patterns (catch basins throughout the work area) may hinder porous pavement being installed. Ms. DelNegro stated it is imperative that the drainage is not disturbed. **Discussion ensued.** The intent is to refresh the area for the residents to enjoy. The item was open to members of the public. Catherine Kupa an abutter at 9 LedgeWood Unit 23 had issues with the stage and noise. Ms. DelNegro suggested she call the City Clerk to inquire if an entertainment license would be necessary. The abutter thinks the deer and wildlife will be adversely affected by music and performances. She also has issues currently with trucks and plows backing up and beeping.

Motion to close the hearing as made by Mr. Comak. Seconded by Mr. Rizzo. Adopted unanimously 6-0.

Motion to issue a Negative Determination for project on approved plans and the following special conditions: **1)** Erosion controls must be inspected by staff before work can commence (including catch basin protection); **2)** All existing stormwater features must remain in current condition. Any revisions to stormwater and drainage flow will require a NEW NOI; **3)** As Built Plan is required to be submitted to ConComm for review once work has been completed; **4)** The erosion controls must remain in place until ConComm staff confirms work is completed in substantial compliance and the work area is in a stable condition (vegetation grown in etc.) as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 6-0.

NOTICES OF INTENT

10. A Public Hearing on a Notice of Intent submitted by Andrew Thibault (Goddard Consulting LLC) for Carlos Chavez (owner). The proposed work is the installation of an above ground pool over a woodchipped/maintained lawn. The property is known as 84 Pine Street, Map 45, Lot 15B, Peabody MA.

Present: Andrew Thibault (Goddard Consulting LLC) and Carlos Chavez (owner)

Documents:

Certified Plot Plan located at 84 Pine Street Peabody MA. Scale: 1" = 40' prepared by Boston Survey, Inc.; Stamped by George C. Collins dated 4.25.22.

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Summary: An above ground pool is proposed. No other work is proposed. **Discussion ensued.** There were no members of the public that wished to speak. The owner stated he understands the drawdown condition and will use the catch basin in the street as requested by the ConComm.

Motion to close the public hearing as made by Mr. Athas. Seconded by Mr. Rizzo. Adopted unanimously 5-0 with Ms. Green no longer in the meeting.

Motion to issue a standard Order of Conditions reminding the owner of the pool condition: *"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 5-0 with Ms. Green no longer in the meeting.

11. A Public Hearing on a Notice of Intent submitted by Manuel Espinola (owner). The proposed work is an addition to an existing single-family house. The property is known as 9 Clark Road, Map 48, Lot 49, Peabody MA.

Present: Isabel Espinola and her brother Alex

Documents: Site Development Permit Plan located in Peabody MASS- 9 Clark Road prepared by Eastern Land Survey Associates, Inc. stamped by Christopher R Mello. Scale: 1" = 30' with a final revision date of 10/27/2022.

Discussion ensued. There were no members of the public that wished to speak.

Motion to close the public hearing as made by Mr. Comak. Seconded by Mr. Athas. Adopted unanimously 5-0 with Amanda no longer present.

Motion to issue a standard Order of Conditions adding the following special conditions: 50) Erosion controls must be inspected before the commencement of work. Haybales and plastic meshing is not allowed in Peabody. See condition # 26B for more information; 51) Tree debris (stumps and woodchips) shall be removed and disposed of appropriately off site. No grubbing or grinding of stumps allowed without permission from the commission; 52) The plantings must be shown on a revised plan before release of OOC (showing 2 red maples, 4 gray dogwoods & 6 Arborvitae at 8' OC) must be planted and in good health BEFORE a partial or full Certificate of Compliance can be voted on and issued also adding a preamble to read: *"The property owner is aware of the risks associated with building a basement in riverfront and at the edge of BLSF/FEMA Flood*

Plain. They have agreed to hold the commission harmless and assume the responsibility if flooding occurs in said addition. The Peabody Conservation Commission will not be held liable for any future flooding on said property” as made by Mr. Rizzo. Seconded by Mr. Comak. Adopted unanimously 5-0 with Amanda no longer present.

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12. A Public Hearing on a Notice of Intent submitted by NATIVETec (Robert Marini) for Julie Romans (owner). The proposed work is the construction of additions to an existing single-family home. The property is known as 5 Mt Pleasant Drive, Map 29, Lot 005, Peabody MA.

Present: Julie Romans (owner), Robert Marini (NATIVETec)

Documents: NOI Plan for Susan Linehan 5 Mt. Pleasant Drive, prepared by NATIVETec signed by Robert Marini. Scale: 1” = 20’ with a final date of 8.1.2022

Summary: The project consists of two additions to a single-family home. One addition is going where the existing garage is located. The garage will be demolished. The other addition is located on existing lawn. **Discussion ensued.** There were no members of the public that wished to speak.

Motion to close as made by Mr. Athas. Seconded by Mr. Rizzo. Adopted unanimously 5-0 with Ms. Green no longer present.

Motion to issue a standard Order of Conditions 1-50 adding the special condition: 52) Reminding the applicant that erosion controls must be inspected before the commencement of work per condition 26B. Haybales and plastic meshing is not allowed in Peabody as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 5-0 with Ms. Green no longer present.

13. A continued Public Hearing on a Notice of Intent submitted by Hancock Associates for Michael Larkin (40 Oak Street Development LLC). The proposed work is site improvements and redevelopment which includes a 40B housing project, paved vehicular and pedestrian access, landscaped areas, connections to municipal utility services and a stormwater management system. The property is known as 40 Oak Street, Map 95, Lot 89X, Peabody MA.

Present: Joseph D. Peznola (Hancock Associates)

Summary: The peer review is not complete therefore the applicant requested a continuance.

Motion to continue as made by Mr. Rizzo. Seconded by Mr. Vivaldi. Adopted unanimously 5-0 with Ms. Green no longer present.

14. A continued Public Hearing on a Notice of Intent submitted by Hancock Associates. The property owner is John Babiarz and the applicant is Pioneer Charter School of Science II. The proposed work is the redevelopment of the site into an elementary and middle school. The property is known as 67 Pulaski Street and 0 Margin St, Map 42, Lots 1&2 , Peabody MA.

Present: Joseph D. Peznola (Hancock Associates) and Brian Fong-Murdock (McPhail Associates, LLC)

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Documents:

- Permit Site Plan 67 Pulaski Street (Peabody) and 175 Water Street (Danvers) prepared for the Pioneer Charter School of Science II prepared by Hancock Associates.
- Operation and Maintenance Plan for 67 Pulaski Street and 175 Water Street (Danvers) prepared by Hancock.
- Stormwater Report prepared by Hancock Associates with a final revision date of 9.8.22. Stamped by Joseph Peznola.

Summary: The chairman expressed concern regarding contamination on the property. According to Mr. Peznola a phase II was not required or recommended by McPhail Associates. **Discussion ensued** regarding contamination and having an LSP on site during initial soil work. There were no members of the audience that wished to speak.

Motion to close the hearing as made by Mr. Comak. Seconded by Mr. Rizzo. Adopted unanimously 4-0 with Mr. Vivaldi and Ms. Green no longer present.

Motion to issue a Standard Order of Conditions 1-50 adding the following special conditions: 51) Operation & Maintenance Plan and Long-Term Pollution Prevention Plan is in perpetuity. Maintenance logs shall be submitted annually on 10.31 via email to city conservation staff once the stormwater system is online and functioning; 52) LSP must be on site during initial phases of groundwork. The LSP will oversee the performance of soil management. Copies of the Soil Management Plan should be submitted by email to the ConComm for review; 53) If 21E issues arise and the project scope changes significantly per the DEP Amendment Policy, an Amendment Request would be necessary; **DPS CONDITIONS:** 54) Bed bottom inspections need to be conducted on the infiltration systems that will be installed (prior to the fabric and stone being installed) by the applicant's design engineer and licensed soil evaluator. This inspection should be witnessed by DPS engineering dept; 55) The applicant will submit the wall designs to the building commissioner for approval prior to construction; 56) The applicant will provide a copy of the SWPP to the city a minimum of 14 days prior to land disturbance (copying the ConComm via email as well); 57) The applicant shall supply a full set of As Built drawing to the engineering department of DPS upon completion of the improvements and before the application for a Certificate of Compliance/Completion as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 4-0 with Mr. Vivaldi and Ms. Green no longer present.

15. A continued Public Hearing on a Notice of Intent submitted by GZA GeoEnvironmental, Inc. (Dan Nitzsche) for Emmanuel and Rose Papanickolas (owners) and JD Raymond Transport, Inc. (Will Boyle-applicant). The proposed work is the construction of a stormwater infiltration basin partially within the buffer zone to a wetland resource. The property is known as 25 Farm Avenue, Map 69, Lot 006 and 007, Peabody MA.

Motion to continue until the December hearing as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 4-0. (Mr. Vivaldi and Ms. Green were no longer present).

16. A continued Public Hearing on a Notice of Intent submitted by Hayes Engineering, Inc. (Anthony Capachietti) for Cy Tenney Residences, LLC (Arthur Pimental). The proposed work is the construction of a multi-family residential building with associated driveways, parking, access and utilities within buffer to BVW and IVW. The property is known as 190R Newbury Street, Map 35, Lot 38A, Peabody MA.

Present: Attorney John Keilty

Summary: DPS has not submitted a memo yet. The commission felt they could not vote until DPS reviews said revisions.

Motion to continue as made by Mr. Rizzo. Seconded by Mr. Comak. Adopted unanimously 4-0. (Mr. Vivaldi and Ms. Green were no longer present).

17. A Public Hearing on a Notice of Intent submitted by Megan Kearns (Weston & Sampson Engineers, Inc.) for Peabody Municipal Light Plant. The proposed work is to repave existing parking lot and create a paved access to “spray pond” parking lot along Warren Street. The property is known as 201 Warren Street Ext., Map 63, Lot 095, Peabody MA.

Present: Megan Kearns (Wetland Scientist- Weston & Sampson Engineers, Inc) and Darren last name unknown (Project Manager- Weston & Sampson Engineers, Inc.)

Documents:

- Peabody Municipal Light Plant Parking Lot Reconstruction Project Phase I and II- 201 Warren Street Ext. prepared by Weston & Sampson. Stamped by Laurence F Keegan Jr. 7 sheets with a final revision date of September 2022. (75% design)
- Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan as submitted with Stormwater Report dated 8.31.2022.
- O&M Plan originally dated May 2019 and revised on October 2022 for new features (submitted as supplemental information after original NOI filed).

Summary: Ms. Kearns gave an overview of the project. There were no members of the public that wished to speak.

Motion to close the public hearing as made by Mr. Rizzo. Seconded by Mr. Comak. Adopted unanimously 4-0. (Mr. Vivaldi and Ms. Green were no longer present.)

Motion to issue a standard Order of Conditions 1-50 adding the following special condition: 51) Operation & Maintenance Plan is in perpetuity. Maintenance logs shall be submitted annually on 10.31 via email to city conservation staff once the stormwater system is online and functioning as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 4-0. (Mr. Vivaldi and Ms. Green were no longer present.)

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OTHER ITEMS

• **MINUTES- NONE**

Motion to adjourn as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted 4-0. (Mr. Vivaldi and Ms. Green were no longer present).

The meeting adjourned at 11:31 PM

Respectfully submitted, (To be signed electronically)

Chairman Stewart Lazares

DRAFT