



City of Peabody Conservation Commission

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

MINUTES

February 12, 2025

Link: <https://peabodytv.org/videos-on-demand/?vid=1433>

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
Amanda Green (arrived a few minutes late)
Arthur Athas
Bruce Comak
Brian Cassidy
Alternate Jamie Harrop

MEMBERS ABSENT

Also Present: Lucia DelNegro, Conservation Agent

CHAIRMAN LAZARES CALLED THE MEETING TO ORDER at 7:01 PM

NOTICE OF INTENT

1. A Public Hearing on a Notice of Intent submitted by BSC Group, Inc. (Diana Walden) for the city of Peabody and MASSDOT. The proposed project consists of the construction of a 1.25-mile section of shared-use path to extend the Independence Greenway and Border-to-Boston trail network. The project follows the former existing railroad bed or existing state highway layout. Two pedestrian bridges are proposed. The property is known as Lt. Ross Park to Peabody Road, Map-various, Lot-various, Peabody MA. First meeting date: 2.12.25

Present: Diana Walden (BSC), Sam Saba-Farmer (BSC-Transportation Engineer) and Kathryn Eagan (Project Manager/Transportation Engineer-BSC)

Documents:

- ▶ MASSDOT Highway Division-Plan and Profile of Independence Greenway (Bridge No. P03-018 (CFC and P-03-028 (CFD))in the city of Peabody Essex County- NOI Plans drafted by BSC Group and stamped by Kathryn Eagan. Scale is as shown. Plan dated 1.9.2025.
- ▶ O&M Plan and LTPPP as submitted with NOI application.
- ▶ Environmental Resources Map (sheets 1-5)
- ▶ Invasive Plant Map (sheets 1-5)
- ▶ Stormwater Improvements (existing drainage patterns) 10 sheets including cover key plan
- ▶ Stormwater Improvements (proposed drainage patterns) 10 sheets including cover key plan

Summary: Diana Walden of BSC gave a slide presentation. She explained there are other permits needed and where they stand with the permitting process. They still need a Chapter 91 permit for the bridge over Proctor Brook. They also need a 404 permit from USACE. (Other permits: MEPA/EENF/EIR). They received the MEPA decision. The other permits are pending. The project is being proposed by the city of Peabody and MASSDOT. The project consists of the construction of a 1.25-mile section of shared-use path to extend the Independence Greenway and Border-to-Boston trail network. The project follows the former existing railroad bed or existing state highway layout. Two pedestrian bridges are proposed. **Discussion continued** regarding stormwater design, bioretention areas, compensatory flood storage, invasive species control and BVW mitigation. The item was open to the public. No members of the public wish to speak.

Motion to close the public hearing as made by Mr. Athas. Seconded by Mr. Rizzo. Adopted unanimously 8-0

Motion to issue a standard Order of Conditions 1-50 adding the following special conditions: **51)** Staging equipment in vegetated wetlands or waterway resource shall be prohibited; **52)** Invasive plant removal: herbicide chemical mixing shall not occur within sensitive areas, wetlands or buffer zones. The contractor shall NOT spray 2 hours prior to precipitation, during rain or during windy conditions; **53)** All 2:1 slopes as mentioned in condition 48 above must have geotextile fabric installed. **Adding the following Checklists:** H, J, K L. **Special DPS/Engineering Conditions-** Any changes or request

to change the conditions below must be approved by the DPS Director. Any changes to said conditions below must be shared with the Conservation Agent via email.

1- On the NOI plan sheet #24, #12 of 14 there shall be no stockpiling of any kind between stations 215 and 216. The contractor shall clearly mark out the sewer main between these stations before construction. 2- On the NOI plan sheet #25, #13 of 14 between stations 216 and 217 the proposed guardrail cannot be installed parallel to the city's sewer main. The consultant/contractor shall notify DEP of the depth of proposed install for this guardrail as well as machinery means and methods for this location. 3- here shall be no installation of guardrail posts on top of the city's sewer main as made by Mr. Rizzo. Seconded by Mr. Vivaldi. Adopted unanimously 8-0.

The commission skipped item 2 because the applicant was having technical difficulties.

CERTIFICATE OF COMPLIANCE

3. A continued request for a FULL Certificate of Compliance as made by Williams & Sparages (Chris Sparages) on DEP File No. 55-934. The project was the construction of a single-family home. The address is f/k/a as 0 Pearl Street n/k/a 18 Pearl Street, Map 105, lot 85, Peabody MA. The Order of Conditions was issued on 2.28.24. First meeting date: 1.8.25 (with no discussion)

Motion to continue as made by Mr. Rizzo. Seconded by Mr. Athas. The motion passed 7-0 with Mr. Cassidy recusing himself.

ENFORCEMENT ORDERS/VIOLATION ORDERS

4. 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. Meeting opened on: 4.13.22

ITEM CONTINUED UNTIL THE APRIL 9 MEETING. NO MOTION NECESSARY.

5. A continued Enforcement Order issued to Haven Circle Cooperative Corp (John Hussey-President)- for the following activities: grading of land (possible fill and grade change per the jersey barriers noted on site and comparing topographic plans) and creating a stone dust parking/staging surface without filing a Notice of Intent. The property address is known as 33 Pine Street, Map 34, Lot 19, Peabody MA. **ITEM CONTINUED UNTIL THE APRIL 9 MEETING. NO MOTION NECESSARY.**

6. A continued Enforcement Order issued to Joseph and Donna Vieira. The property address is 154 Goodale Street, Map 25, Lot 64. The alleged work involves: 1) alleged possible alteration to buffer zone of intermittent stream and buffer zone to BVW (adding truckloads of fill to change the grade, performing grading/alterations and stockpiling various items such as construction debris, gravel piles, concrete blocks, ladders, wood, tarps, trash barrels, sawhorse and a storage container). RDA has been submitted and is on the agenda as item 2.

ITEM CONTINUED UNTIL THE MAY 7 MEETING. NO MOTION NECESSARY.

MINOR PERMIT REQUESTS

- **Minor Permit-1 Sylvan Street-staging dumpster in buffer on existing paved area. (approved on 1.15.25 with no special conditions).**

Motion to approve as made by Mr. Athas. Seconded by Mrs. Harrop. Adopted unanimously 8-0.

TREE REQUESTS – (TBR= to Be Removed) NONE

- **MINUTES- 12/11/2024 and 1/8/2025**

Motion to approve the minutes as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 8-0.

REQUEST FOR DETERMINATION OF APPLICABILITY

2. A Public Hearing on a Request for Determination of Applicability submitted by Joseph Vieira (owner/applicant). The proposed project is an after-the-fact filing for bringing in fill and altering the rear of the property. The cleanup will be conducted under a friendly Enforcement Order issued by the Commission. The property is known as 154 Goodale Street, Map 25, Lot 64, Peabody MA. First meeting date: 2.12.2025

Present: Joseph Vieira

Summary: Mr. Vieira was in his basement and had technical difficulties unmuting himself. He was able to hear the entire meeting but could not be heard. He ended up calling zoom instead of using his computer. The board wants to wait before voting on the RDA. The pipe discharging pool water from his property needs to be removed immediately. Cleanup is ongoing under the Enforcement Order listed as item 6. It snowed recently and set the cleanup back. The commission understands and is being patient with the cleanup. **Discussion continued** regarding the trees and why the work was done.

Motion to continue to the April 9th meeting as made by Mr. Vivaldi. Seconded by Ms. Green. Adopted unanimously 8-0.

- **Adjournment**

Motion to adjourn as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 8-0.

The meeting adjourned at 8:29 PM

Chairman Stewart Lazares