



## City of Peabody Conservation Commission

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

### MINUTES

**February 27, 2024**

**Link:** <https://peabodytv.org/videos-on-demand/?vid=1196>

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  
Bruce Comak  
Arthur Athas

#### MEMBERS ABSENT

Ritamarie Cavicchio

**Also Present:** Lucia DeINegro, Conservation Agent; Michael DeRosa & Evin Guvendiren (DeRosa Environmental Consulting, Inc-Peer Review Consultant for the City of Peabody)

CHAIRMAN LAZARES CALLED THE MEETING TO ORDER at 6:00 PM

► **A continued Enforcement Order issued to the Salem Country Club, Inc. - 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:** Attorney Barry Fogel (legal counsel) and William Rocco (Country Club)

MR DEROSA: I am going to jump down here to the summary compliance section. Evin went through the second Enforcement Order dated April 3. They had conditions A-P. We went through all of those, and they are in compliance for all of them except for two, J and K. Which are in red here. Can everyone see this? We can discuss it. I think we are in a pretty good place here. Condition J is not in compliance. We recommend that the restoration completion report be revised to include before and after photographic documentation to be in compliance with condition J. These pictures may exist. I don't know if their arborist or their forester Tom Miles has done this. He may have these things. It would be nice to set up before and after shots. Then going forward for the long-term monitoring establish the same photographic locations. Then the commission can see the changes over time. Once those are established, they can be in annual future reports. Then, condition K we determined was not in compliance. Which requested that the written reports submittal to the Peabody Conservation Commission have not been submitted by November 30<sup>th</sup> that clearly and comprehensively describes the site conditions, restoration conditions, stability, plant growth and vigor. This was supposed to be done by the arborist/forester. Tom noted that fourteen (14) of the two hundred fifty-one (251) planted trees appeared to be stressed. Appendix A and E of the planting completion report accordingly all trees and shrubs should be reinspected this Spring 2024. To assess their condition, we recommend that once the reinspection and assessment of the trees has been completed that the Salem Country Club prepare and submit a written report as described in condition K so that the Peabody ConComm can determine whether replacement of trees or shrubs should be taken care of. We are not saying they need to do a report before that spring inspection. We are saying after that inspection. Particularly those fourteen (14) trees in particular. That recommendation be made by arborist/forester, Tom Miles as to what should be done there. It is just those two things. The photographic location which can be part of the future annual reports. Then a report after the spring inspection to see how the trees that were planted are doing. I think that is it. Otherwise, we felt that the club did a decent job getting the trees in and getting the plants in. Now it is just monitoring, and we will make sure that the health and vigor of the planted material is good.

**Discussion ensued.** Mr. Rizzo and Mr. Lazares asked for colored copies of the exhibits submitted to the ConComm. He felt they would be helpful to have. Attorney Fogel stated he would submit as many copies as necessary. **Discussion ensued** regarding the pictures. Mr. DeRosa stated it is better to wait once the trees have leaves. Mr. Lazares asked for GPS location of where the photograph was taken, but Attorney Fogel denied this request. They did agree to take pictures from the same location as discussed earlier in the meeting and as recommended by the peer review consultant. Attorney Fogel

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stated there was a misunderstanding with how they interpreted the condition regarding the pictures mentioned in special condition. He has not seen the report yet. Staff will make sure the report is forwarded as soon as possible.

MS GUVENDIREN: From our interpretation of the second Amended Enforcement Order, a planting completion report was to be submitted by November 30<sup>th</sup>. Which was done. There was also supposed to be a report submitted by their forester Thomas Miles in compliance with special condition K. That was a written report that describes site conditions, restoration conditions that include stability, plant growth and vigor, invasive plant management and wildlife habitat and hydrology. We did receive several emails with updates describing the fourteen trees. We had some emails back and forth as things progressed, but a final compiled written report was not submitted in compliance with that condition.

**Discussion ensued** regarding the fourteen trees. Mr. DeRosa feels that the report can be submitted with the Spring inspection report. **Discussion continued** regarding condition K. There was a misunderstanding with how the club and their consultants interpreted it. Regardless, it will commence for the Spring review. There will be site visit once the leaves start peeping. The date will most likely be mid-May of 2024. The site visit will be scheduled via email because there are too many factors to schedule this early in the year. No Public wished to comment.

**Motion** to continue until the May 8<sup>th</sup> hearing as made by Ms. Green. Seconded by Mr. Vivaldi. Adopted unanimously 6-0.

●**Adjournment**

**Motion** to adjourn as made by Mr. Vivaldi. Seconded by Ms. Green. Adopted

The meeting adjourned at 6:33 PM

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

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**Chairman Stewart Lazares**