



City of Peabody Conservation Commission

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MINUTES

March, 12, 2025

Link: <https://peabodytv.org/videos-on-demand/?vid=1449>

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 (arrived at 7:10)
Vice Chairman Michael Rizzo
Sec. Michael Vivaldi
Amanda Green
Arthur Athas

MEMBERS ABSENT

Bruce Comak
Brian Cassidy
Alternate Jamie Harrop

Also Present: Lucia DelNegro, Conservation Agent

VICE CHAIRMAN RIZZO CALLED THE MEETING TO ORDER at 7:02 PM

NOTICE OF INTENT

1. A Public Hearing on a Notice of Intent submitted by Michelle DeStefano (The Patio Company) for Eric and Jillian Esposito (owners). The proposed project consists of the installation of an in-ground pool, permeable apron, fence and appurtenances. The property is known as 15 Crestwood Lane, Map- 81, Lot-5, Peabody MA.

Present: Michelle DeStanfo (The Patio Company), Eric Esposito (owner), Michael B. (pool guy)

Documents:

► Plan of Land located at 15 Crestwood Lane Peabody MASS prepared by Eastern Land Survey Associates, Inc. with a final date 1.31.25. Scale: 1"=40' prepared for Eric and Jillian Esposito.

Summary: No trees will be removed. Work is in the outer riparian zone. A drywell will be installed for drawing water down. The drywell is not shown on the plan, but the commission will condition the permit for it to be required. No members of the public wished to speak for or against the project. **Discussion continued** regarding the decking around pool etc. Michael stated that the pool deck will be permeable, and the drywell will be installed. All excess soil must be removed from site. Grading of the lot is not allowed under this permit. Ms. Green asked about flooding in the neighborhood. The property owner stated that some people further up the street experience flooding. His property is soggy. Mr. Vivaldi reminded the owner of the pool condition that will remain in perpetuity: *"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."* The pool company confirmed that a drywell will be installed.

Motion to close the public hearing as made by Mr. Vivaldi. Seconded by Mr. Athas. The motion passed 4-1 with Mr. Lazares voting present.

Motion to issue a standard Order of Conditions 1-50 adding the following special conditions: **51)** Erosion controls must be inspected by agent before work can commence as mentioned in condition #27 above; **52)** Drywell to be installed as mentioned at meeting on 3.12.25 s made by Mr. Vivaldi. Seconded by Mr. Lazares. Adopted unanimously 5-0.

REQUEST FOR DETERMINATION OF APPLICABILITY

2. A Public Hearing on a Request for Determination of Applicability submitted by Barry Fogel, Esquire (legal counsel) for the Salem Country Club. The proposed project consists of repaving the golf cart path in the buffer zone near hole #9. The property is known as 133 Forest Street, Map- 59, Lot-81X, Peabody MA.

Present: Attorney Barry Fogel (legal counsel) and William Rocco (country club)

Documents:

Figure 1-Salem Country Club Peabody-Wetland Delineation

Summary: Attorney Fogel gave a brief presentation. The proposed work is the repaving of the existing golf cart path in the buffer zone. Work should be done in one day. The old pavement will be live loaded and carted off the day of work. Mr. Rizzo was concerned with the existing stone wall along scenic Forest Street and trees being damaged by large equipment during work. The trees should be protected during construction from heavy machinery. This was agreed to by the club. The item was open to the public. There were no public comments.

Motion to close the public hearing as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 5-0.

Motion to issue Negative Determination with the following conditions: **1)** Care taken with equipment to not hurt trees along stone-wall adjacent to Forest Street along path while work is in progress; **2)** Follow up email to commission staff once work is completed as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 5-0.

3. 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

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

CERTIFICATE OF COMPLIANCE

4. 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).

Present: Attorney Robert G. Peterson Jr. (legal counsel for new owner) and Paul Barrasso (new owner)

Summary: Williams & Sparages asked for a continuation on behalf of their client DiBiase (the developer), but the new owner was present for discussion with his attorney.

The new owner's attorney was not aware that a continuance was requested. He stated that the DiBiase company has tried to accommodate them on some onsite issues. However, the retaining wall was not built as shown on approved plans. **Discussion continued** about water runoff etc. Mr. Rizzo was confused because the engineer of record submitted a letter stating that the project was in compliance. He stated since the wall was not built, the property is not in compliance. He feels that the wall probably needs to be constructed. **Discussion continued** with the owner's attorney. The new owner agrees to continue the item through his attorney. Attorney Peterson feels they will be before the commission next month with a plan of action. Mr. Rizzo chimed in again about the wall. He feels the wall needs to be constructed to fix some of the water issues. Ms. Green stated, "I knew the property would have issues."

Motion to continue to the April hearing as made by Mr. Athas. Seconded by Ms. Green. Adopted unanimously 5-0.

ENFORCEMENT ORDERS/VIOLATION ORDERS

5. 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.

6. 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.**

7. 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- 46 Outlook Avenue-Second story addition to existing single-family home. No earthwork involved footprint to remain the same. No stockpiling in the rear yard is allowed. (Approved on 1.27.25 with conditions)

Motion to accept as made by Mr. Athas. Seconded by Ms. Green. Adopted unanimously 5-0.

NOTICES

● **Northeast Massachusetts Mosquito Control District- Notification of mechanized ditching in Peabody. Location: Beacon Boulevard area.**

● **NGRID- Notification of utility maintenance activities (B154/C155 line maintenance) off South Liberty Street Peabody**

Motion to accept as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 5-0.

OTHER

● **MINUTES- 2/12/2025**

Motion to approve as made by Ms. Green. Seconded by Mr. Athas. Adopted unanimously 5-0.

Addendum item

▶ **A Public hearing on a Notice of Intent submitted by Matthew and Maria Morrissey (owners). The proposed project consists of two additions, sonotubes install and a new driveway in the buffer zone. The property is known as 19 Roosevelt Avenue, Map- 16, Lot-136, Peabody MA.**

Present: Matthew and Maria Morrissey

Documents:

▶ Proposed Plot Plan-19 Roosevelt Avenue Peabody Massachusetts-prepared by LeBlanc Survey Associates, Inc. with a final revision date of 3.19.25. Scale: 1"=20'.

Summary: ZBA had the owners move the addition into the buffer zone. Originally the addition was just outside the ConComm's jurisdiction. The commission needs a revised plan to show the following: 1) trees TBR, 2) Dewater detail, 3) erosion line and detail. No members of the public wished to speak.

Motion to close the public hearing as made by Mr. Rizzo. Seconded by Mr. Vivaldi. Adopted unanimously 5-0.

Motion to issue a Standard Order of Conditions adding a special condition regarding dewatering and the OOC shall be held until a revised plan as mentioned above is submitted as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 5-0.

Motion to adjourn the hearing as made by Ms. Green. Seconded by Mr. Rizzo. Adopted unanimously 5-0.

The meeting adjourned at 8:16 PM

Chairman Stewart Lazares