



## City of Peabody Conservation Commission

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

### MINUTES

**April 9, 2025**

**Link:** <https://peabodytv.org/videos-on-demand/?vid=1463>

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 and further extended by H. 62 Remote Meeting Flexibility Extended through June 30, 2027 signed by Governor Maura Healey on March 28, 2025. The public may participate in this meeting remotely.

### MEMBERS PRESENT

Chairman Stewart Lazares  
Vice Chairman Michael Rizzo  
Sec. Michael Vivaldi  
Bruce Comak  
Brian Cassidy  
Amanda Green (left at 9:24)  
Arthur Athas (left at 8:17)  
Alternate Jamie Harrop

### MEMBERS ABSENT

**Also Present:** Lucia DelNegro, Conservation Agent

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

## **NOMINATION COMMITTEE**

- **Chairman Lazares to appoint as a one person nominating committee for Commission officers.**

Chairman Lazares appointed Arthur Athas.

## **NOTICE OF INTENT**

**1. Public Hearing on a Notice of Intent submitted by John Keilty, Esquire for Saimir Zepaj (applicant/owner). The proposed project consists of the removal of the existing dwelling, pool, driveway and the construction of a multifamily house with utilities and driveway. The property is known as 20 Parsons Street, Map- 95, Lot-380, Peabody MA.**

**Present:** John R. Keilty, Esquire (legal counsel) and Christopher Mello (surveyor-ELSAI)

**Summary:** The attorney and surveyor gave a presentation for the project. The project is the removal of a single-family house, pool deck etc. and the redevelopment of the lot with two duplexes within riverfront to Strongwater Brook. The rear yard is also located in the city's local Wetlands Conservancy District (WCD) zone. Thirty feet (30) from the WCD line should be restricted. They stated that the restriction is shown on the plan. The attorney mentioned an alternative analysis and reasons for four units and two separate buildings. Vice Chairman Rizzo felt that it was a big ask. He wanted to know why they couldn't build one house with two or three units instead of two standalone duplexes. All work is on the street. The applicant feels that the work is as far from the brook as practicable. The proposed house and appurtenances presently are approximately 1,600 square feet. The proposed is 2,500 square feet of alteration. The footprint will be increasing in riverfront. Vice Chairman Rizzo had constructability questions. The land will be raised about two (2) to three (3) feet. There will be a retaining wall, and the duplexes will be on slabs. **Discussion ensued** regarding the second-floor decks and the retaining wall. The trees that will be covered with soil (when the retaining wall is installed) will most likely die if their root flare is covered with three feet of soil. Per the regulations the applicant must submit a plan showing existing conditions. That is the only way to determine if the project meets the regulations. Mr. Rizzo asked for a retaining wall detail on the plan. Mr. Rizzo commented that the plan says "lawn with trees" along the edge of the brook. Aerials show the rear of the lot heavily wooded without a grassy lawn area. Mr. Mello commented that no work will be done in that area anyways. He also commented that there are a substantial number of large trees on the other side of the chain-link fence and the woods are very dense. **Discussion continued** about trees on the site and their removal. The commission asked for an existing condition plan showing all the trees (six inches or greater) in the rear portion of the property. Staff was concerned with the rear of the lot and the Conservancy District. She was confused why the no disturb marker was at the edge of the brook and not at the Conservancy District line. There was concern that if it was not demarcated as a no-cut zone, a problem could arise in the future with the potential of four families living on the lot.

There will be a site visit on **Monday 4.14.25 at 2pm.**

Mr. Comak asked for an existing condition plan again. The item was open to members of the public.

**Marybeth Mallia, 27 Parsons Street**

MS MALLIA: 27 Parsons Street is diagonal from this property. The neighbors and I are concerned because you are going from a single family to now a much larger project. I think it is going to have a negative impact on the street and the conservation land. There are a lot of trees on this property, so I don't know why they are saying there is not. The landlord also owns the house after this one. He does not really care about the property. I am very concerned that we are going to build these two new and they are going to run amuck. Sorry to say. I am not the only neighbor that will say that. This is really a big concern. I know this is conservation and I know it is your job. I just hope you look at the whole picture of this. The street is very small and already overcrowded. It is not a good fit for this property. Hopefully we can come to an agreement somewhere. I really do believe this project is not good for the neighborhood or the conservation land.

**Richard Wallis, 23 Parsons Street**

MR. WALLIS: I echo MaryBeth's concerns. Finding out that the new owners of this proposed development are the same owners that I live next door to. That house has been seriously neglected for a long time. I have lived here for almost thirteen years now. You can see the difference between our backyard, that backyard and the proposed new development. This neighborhood has been overcome with rats. They are all coming from the property next door. The people that own that at 21. If they are going to be building this new megastructure next door, I can only imagine what the neighborhood will look like when that comes to fruition.

**Discussion continued.** Ms. Green asked if anyone has been to zoning about this yet. The topic went back to rats. The commission has no jurisdiction over rat infestation. Mr. Rizzo felt that it was a big ask for two duplexes on the lot. He felt it was over build. Why isn't there just one house with two units? The commission can request the plan to be revised showing only one building. Eddie Perreira is the owner of 23 Parson Street. He does not support the project for various reasons. Mr. Cassidy interjected that his comments were not ConComm related but valid. He told the owner to get in touch with the zoning officials. Ms. DeINegro chimed in and stated if the abutters had concerns about zoning they should reach out to the building department. Ms. DeINegro stated again that she was mostly concerned with the rear lot (Conservancy District) and wanting to preserve and protect as much of it as possible. Mrs. Mallia made a few more comments about the trees and the property. The residents are concerned that the landlord is absentee, and they fear the wetlands and woods may suffer. They have noted that they have seen metal and other random items thrown in the riverfront on his other properties. **Discussion continued** about zoning and cramming in too much on the lot. Attorney Keilty responded and stated they could connect the units with a deck. The discussion will continue later regarding the zoning issues. The commission felt it was a misinterpretation. The commission would like to see one house instead of two duplexes. Or they would like to see the lot subdivided before their vote.

**Motion** to continue the item to the **May 7** hearing as made by Mr. Athas. Seconded by Mr. Cassidy. Adopted unanimously 7-0.

**2. Public Hearing on a Notice of Intent submitted by John Keilty, Esquire for Robert Denisco (applicant/owner). The proposed project consists of the construction of a 32'x16' pool and a 30'x22' accessory structure. The property is known as 29 Blackstone Street, Map- 5, Lot-25, Peabody MA.**

**Present:** John Kielty, Esquire (legal counsel) and Christopher Mello (surveyor-ELSAI)

**Documents:**

► Site Permit Plan of Land located at 29 Blackstone Street Peabody MASS. Prepared by Eastern Land Survey Associates, Inc. Stamped by Christopher Mello. Scale: 1"=20' with a final revision of April 10, 2025.

**Summary:** An Order of Conditions has been issued under DEP File No. 55-946. The new owner of the property wants to construct a garage and an inground pool. The inground pool is about five (5) feet in the state's jurisdiction and the rest of the new work is in the local jurisdiction. The applicant could have filed an Amendment request but there was some confusion about a NOI being necessary for a pool. Work is ongoing under the existing Order. Need revised plan showing no-disturb marker and post and rail fence (detail and location). Anything on the original plan 55-946 should be mirrored on the new local order plan. The soil from the pool hole will be removed off site. No comments from the public.

**Motion** to close the public hearing as made by Mr. Rizzo. Seconded by Mr. Cassidy. The motion passed 5-2 with Ms. Green and Mr. Vivaldi voting NO.

**Motion** to issue a standard local Order of Conditions 1-50 adding all the conditions from DEP File No. 55-946 and to be held contingent on revised plan (showing post rail fence/no disturb zone location and details) as made by Mr. Rizzo. Seconded by Mr. Cassidy. The motion passed 6-1 with Ms. Green voting NO.

**REQUEST FOR DETERMINATION OF APPLICABILITY**

**3. Public Hearing on a Request for Determination of Applicability submitted by John Keilty, Esquire for De La Rosa Construction Design Corp-Arsenio De La Rosa (applicant/owner). The proposed project consists of demolition of contractor/garage shop and the construction of a two-family dwelling. The property is known as 50 A Tremont Street, Map- 76, Lot-98, Peabody MA.**

**Present:** Attorney John Keilty (legal counsel) and Christopher Mello (ELSAI)

**Documents:**

► Plan of Land located at 50A Tremont Street Peabody MASS prepared by Eastern Land Survey Associates, Inc. Scale: 1"=20' (To be revised).

**Summary:** The work is outside of the riverfront. However, the catch basins in the street are connected to Lawrence Brook. Staff felt the catch basins should be protected during demolition. The commission did not agree and does not want any protection in the catch

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basins on Tremont Street during construction. The plan needs to be revised to show erosion controls along the inside of the property near the edge of the sidewalk.

**Discussion continued.** The item was open to members of the public. Evon Pimental of 11 Northend Street was concerned with the runoff from the retaining wall. Mr. Mello assured him the wall should not affect his property. There were no other comments from the public. Revised plan to be submitted.

**Motion** to close the public hearing made by Ms. Green. Seconded by Mr. Rizzo. Motion passed 7-0 with Arthur no longer present and Mrs. Harrop voting.

**Motion** to issue Negative Determination with the following condition: Erosion controls should be inspected before work can commence and shown on the revised plan as made by Mr. Rizzo. Seconded by Mrs. Harrop. Motion passed 7-0 with Arthur no longer present and Mrs. Harrop voting.

**4. A continued 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:** The owner has been cleaning up the property over the last few months. The commission will set up a site visit in the coming weeks. There is an active Enforcement Order on the property.

**Motion** to continue as made by Mr. Vivaldi. Seconded by Mr. Rizzo. Motion passed 7-0 with Arthur no longer present and Mrs. Harrop voting.

**CERTIFICATE OF COMPLIANCE**

Mr. Cassidy recused himself.

**5. 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:** Christ Sparages (Williams & Sparages), Paul Barrasso (new owner) and Robert Peterson Jr., Esquire (legal counsel for new owner)

**Summary:** The house was finished in late November 2024. A topographic As Built Plan was completed and submitted to the commission. Mr. Sparages stated that they seeded an area near the driveway late in the season and the grass did not grow in. There are more grading adjustments that need to be done on the property. They asked to withdraw the CC application. The new owner does not want the CC request withdrawn at this time.

**Discussion continued** about the flooding and drainage issues on the property since development. The retaining wall on the approved plan was not built. The commission wondered if this could be the cause of the flooding. Mr. Sparages explained why the retaining wall was not constructed. The house and garage were raised during construction. A large ledge outcrop was exposed during work, and they felt it acted like a natural retaining wall. The wetland flows to the south towards Lynn. The engineer did not feel that the wall was necessary. The property is presently holding water. The commission asked why this was happening. A little more fill was placed in a small spot in the rear yard where the land goes uphill. He feels the extra fill and the hill caused a pinch point. **Discussion continued** about the water flow, the knoll and the valley in the yard. They are going to try and grade the site to help alleviate the ponding issues. Pictures taken at a November 2024 site visit were shared with the commission.

**Discussion** about markers or a post and rail fence being installed. The new property owner should sign off on any new proposed work. Attorney Peterson stated that any revised plans will be reviewed by their engineer first. **Discussion** continued about the retaining wall. The owner continues to have water runoff issues in his driveway. The developer's engineer and the attorney for the new owner disagreed. **Discussion continued** about runoff from the hill onto the driveway causing washout. Both parties have differing opinions about the source of issues. The chairman would like to see the ponding issue fixed as soon as possible. The Vice Chairman asked them to work things out and come back to the commission. Mr. Rizzo thought the wall had a purpose.

**Motion** to continue as made by Mr. Vivaldi. Seconded by Ms. Green. The motion passed 6-0 with Mr. Cassidy recusing himself and Arthur no longer present.

Ms. Green exited the meeting at 9:24 PM.

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

**6. 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**

**Summary:** Attorney Fogel requested a continuance. A site visit has been set for Monday June 16 from 8-12. Paperwork will be delivered to the commission by May 9<sup>th</sup>.

**Motion** to continue to the June 11 meeting as made by Mr. Vivaldi. Seconded by Mrs. Harrop. Adopted unanimously 6-0 with Mr. Athas and Ms. Green no longer present.

**7. 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.**

**Summary:** The property owner has had a survey plan done. The consultant did not fill the NOI out properly and he missed the deadline for a filing. The property owner is taking this seriously but has asked for more time to prepare for an NOI filing with the commission.

**Motion** to continue as made by Mr. Rizzo. Seconded by Mr. Cassidy. Adopted unanimously 6-0 with Ms. Green and Mr. Athas no longer present.

**8. 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- 100 R Main Street- proposed work is rebuild multi family home that was damaged in a fire. Approved on 3.5.25 with condition that erosion controls must be installed prior to work. (Work appears to be just outside the 200-foot riverfront. It is in the local buffer to FEMA only. Local jurisdiction only).**

**Motion** to accept the Minor Permit Approval as made by Mr. Lazares. Seconded by Mr. Rizzo. The motion passed 6-0 with Ms. Green and Mr. Athas no longer present.

#### **TREE REQUESTS – (TBR= to Be Removed) item taken out of order**

● **231 Lynnfield Street- Jean Raimundo- JMR Landscaping Services- 2 dangerous maple trees TBR-approved by ConComm staff with conditions on 3.4.25.**

**Motion** to accept/approve as made by Mr. Rizzo. Seconded by Mrs. Harrop. The motion passed 6-0 with Ms. Green and Mr. Athas no longer present.

● **Minor Permit-1 Hoover Terrace- proposed work is the removal of approved above ground pool and replacing with a smaller above ground pool farther from resource. Certificate of compliance already has the pool condition listed in perpetuity.**

**Present:** Mr. Kappeler

**Motion** to approve/accept as made by Mr. Rizzo. Seconded by Mr. Comak. The motion passed 6-0 with Ms. Green and Mr. Athas no longer present.

● **Minor Permit- 147 A Summit Street-** proposed work is expanding bay doors of existing building footprint covered years ago, fence install along perimeter of property, proposed sidewalk gate and 24-foot-wide sliding gate in parking lot. The only groundwork proposed is for fence, gate installation and parking stripes (VOTE is needed by commission for approval)

**Motion** to approve/accept the Minor Permit Approvals as made by Mr. Comak. Seconded by Mr. Rizzo. The motion passed 6-0 with Ms. Green and Mr. Athas no longer present.

### **OTHER**

● **Discussion-PMLP Hussein Karim-201 Warren Street Ext-** Request to discuss proposed battery storage facility located at 201 Warren Street Extension (map-63, Lot-164). **THIS ITEM WAS NOT DISCUSSED.**

● **Emergency Certificate- Beaver dam breaching-** dam located off Crystal Drive/Bike Path. Work starts on 4.3.25 and end on or before 5.2.25. The Health Department deems it an emergency. To be ratified.

**Motion** to ratify as made by Mr. Rizzo. Seconded by Mr. Comak. Motion passed 6-0 with Ms. Green and Mr. Athas no longer present.

● **MINUTES- 3/12/2025** NONE

● **Adjournment**

**Motion** to adjourn as made by Mr. Vivaldi. Seconded by Mr. Rizzo. The motion passed 6-0 with Ms. Green and Mr. Athas no longer present.

**The meeting adjourned at 9:52 PM**

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**Chairman Stewart Lazares**