



City of Peabody Conservation Commission

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MINUTES

July 30, 2025

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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

Acting Chairman Michael Rizzo
Acting Vice Chair Michael Vivaldi (left at 10:57pm)
Arthur Athas
Bruce Comak (left at 11:13pm)
Jamie Harrop
Amanda Green
Brian Cassidy

MEMBERS ABSENT

Also Present: Lucia DelNegro, Conservation Agent; Ward 2 City Councillor
Peter McGinn; Ward 4 City Councillor Julie Daigle

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

The hearing opened with a moment of silence for Chairman Stewart Lazares.

REQUEST FOR DETERMINATION OF APPLICABILITY

1. A continued Public Hearing on a Request for Determination of Applicability submitted by Engineering Alliance, Inc. (Rick Salvo) for Group 1 Automotive (applicant). The property owner is John Zillioux. The proposed project consists of a single-story addition (26'x90') to the rear of the existing building (slab on grade) on top of an existing parking area. The property is known as 252 Andover Street, Map- 39, Lot-25C, Peabody MA. First meeting date: 6.11.25

Present: Attorney John Keilty (legal counsel) and Rick Salvo (engineer)

Summary: There was no discussion at the last hearing due to an abutter notification issue. This is the first meeting the item was discussed. Mr. Salvo gave a brief presentation about the project. The proposed project consists of a single-story addition (26'x90') to the rear of the existing building (slab on grade) on top of an existing parking area. There is a culvert within three (3) feet of the proposed addition. The applicant stated it has been inspected and is in good condition. A culvert contingency plan has been submitted for review by the ConComm and DPS. All work is proposed on existing impervious surface. The plans have been revised to show a second layer of erosion controls per DPS request. **Discussion continued** regarding the culvert and how close it is to the addition. Mr. Rizzo was concerned with the vibrations from the construction being close to the culvert. Mr. Cassidy reminded the board and engineer that construction machinery is much heavier versus passenger vehicles that pass over the pipe every day. There is concern for the safety of the pipe during construction. Mr. Salvo stated most machines used will be track machines. There will be an excavator and a mini excavator. They aren't sure what machinery will be used to date. **Discussion continued.** Mr. Comak wanted the applicant to comment on the neighborhood letter. Councillor Julie Daigle read a long letter from the neighborhood group. The signatures on the letter are Richard & Carmela Henry, 2 Richartson Rd.; Charles & Maureen Kaldes, 4 Richartson Rd.; Sandi & Brad Haskill, 6 Richartson Rd.; Liz & Dana Milne, 8 Richartson Rd.; Patty & Ed Nizwantowski, 1 Richartson Rd.; Lucy Regan, 7 Richartson Rd.; Peter & Elaine Haponenko, 6 Mt. Pleasant Dr.; Elizabeth & Steven Johns, 10 Hog Hill Rd.; Maria & Robert Catalano, 3 Stuart Rd.; Anetta & Damian LaCount, 10A Hog Hill Rd. (contact Conservation staff for letter). Mr. Athas asked if the new work would trigger them to appear before City Council due to the existing Special Permit. Councillor Daigle stated that the building commissioner told her he will decide when they apply for a building permit. She is uncertain if it affects their special permit. The commission was concerned with lack of maintenance of stormwater features. The commission requested DPS to review the notes from the neighborhood and chime with any comments. **Discussion continued** about Special Permits and other items that were not under ConComm's jurisdiction. Ms. DeINegro requested copies of the maintenance logs. The stormwater features should have been maintained per the O&M Plan from a previous Order of Conditions.

Motion to continue as made by Mr. Athas. Seconded by Ms. Green. Adopted unanimously 7-0.

2. A Public hearing on a on a Request for Determination of Applicability submitted by Attorney John R Keilty for JND Real Estate Solutions, LLC. The proposed project consists of the construction of a 34.11'x10' deck to the rear of house with patio at ground level beneath the deck. The property is known as 24.5 No Central Street, Map- 64, Lot-28, Peabody MA. First meeting date: 7.30.25

Present: Attorney John R Keilty

Summary: Work started before the approval of the RDA. On Tuesday 7.22.25 staff found out work was happening in the buffer within feet of wetlands without the proper wetland permit. They stopped for a while and then continued the illegal earthwork until staff showed up on site Wednesday 7.23.25. Staff issued a verbal cease and desist on site and followed up in writing to the owner and legal counsel. Action Items were discussed on site and reiterated in said email to legal counsel. **Discussion ensued.** The driveway was enlarged significantly. The driveway was not part of the RDA. Mr. Paul Stevens from 24 No. Central Street and was concerned with runoff from the site ending up on the abutter's property. He had questions about the RDA application (what type of stones for patio etc.). He read aloud a resident statement about the property and a timeline leading up to the RDA and violation. He believes they did about 75% of the outdoor work that they started illegally. He reminded the commission that after the cease and desist they continued work in the buffer zone into the night and next day until staff showed up. The residents have always been concerned with flooding and water damaging their property. The neighborhood has serious ongoing flooding issues.

Discussion continued about the illegal grade work etc. Mr. Stevens feels that they are going to construct a giant French drain. The French drain is not shown on the revised plan. He had many questions for the contractor and the board. After hearing from the neighbors and reviewing pictures on site, the commission felt the RDA was no longer the proper permit for work on site. The commission was concerned with the site being stabilized before the rain. **Discussion continued.** Mr. Cassidy felt that he lost good faith in the developer. He was also concerned with the way the owner conducted himself. Kristofer Adams of 26 No. Central Street also spoke. He was home when the work was being done. He watched four full dump trucks of fill being removed. He believes that they are trying to sell it as two units. That is why they need a larger driveway. Mr. Athas felt an Enforcement Order (EO) was a better route and to not allow an NOI. They can submit an NOI, but the stabilization of site should be done under an EO.

On Wednesday 7.23.25 approximately 12:00 noon staff gave the following verbal Action Items to the contract team and emailed legal counsel at 1:17pm:

- 1- Pile of soil near potable bathroom on street can be removed from site today.
- 2- Cease and desist all earthwork or stonework on the ground. No soil or stone shall be brought on site or moved until ConComm weighs in at meeting.
- 3- Work can continue on the existing house (inside, roofing, siding, masonry stonework on foundation wall). No earthwork is allowed until after the commission meeting.
- 4- Install erosion fabric or straw mulch on all exposed soil (side yard, front yard and back yard).
- 5- Small area near boulders on wetlands side- noted scouring into wetlands (minor). Install fabric or straw mulch in area of minor scouring.

6- Submit a revised plan showing all proposed work. Discussed using boulders (3 large) and post and rail fence with no disturb signs as demarcation going forward. Boulders could be used on site, but they need to show their location on revised plan.

Discussion regarding the action items for the EO continued. The commission reviewed pictures and discussed. What plans were the contractors following? There is a significant loss of land. Work can not continue under a Determination.

Motion to issue an Enforcement Order with the following Action Items: 1) Continue to stabilize site with annual rye seed and erosion fabric mat; 2) Silt log/erosion log to be installed at driveway near sidewalk and along front of property to control scouring street stormwater draining down towards wetlands; 3) Submit a surveyed plan showing grades before and after work; 4) Once the site is stabilized with established rye grass test pits should be conducted for groundwater elevation and to determine what soil/fill type was installed on property. (commission is unaware of where the soil came from) as made by Mr. Athas. Seconded by Mr. Vivaldi. Adopted unanimously 7-0.

Motion to accept withdrawal of RDA application as made by Mr. Vivaldi. Seconded by Mr. Athas. Adopted unanimously 7-0.

3. A Public Hearing on a Request for Determination of Applicability submitted by Norse Environmental Services, Inc. (Maureen Herald). The property applicant/owner is Lauren Mahoney. The proposed project consists of demolishing a screen porch/deck to construct a single-family addition, deck, patio, associated grading and utilities in buffer zone. The property is known as 10 Connors Road, Map- 18, Lot-103, Peabody MA. First meeting date: 7.30.25

Present: Maureen Herald (Norse Environmental Services, Inc.)

Summary: The proposed project consists of demolishing a screen porch/deck to construct a single-family addition, deck, patio, associated grading and utilities in buffer zone. The wetlands are located off site. Most of the addition is outside the 100-foot buffer zone. Patio is 75 feet from the wetlands and the addition 88.9 to 90 feet away from the wetlands. **Discussion continued.** The Chair was looking for proposed and existing grades. The property slopes to the BVW. There is minimal grading necessary for the construction of the addition (20 'x 20'). It is proposed on existing lawn, and no trees are going to be removed. The consultant shared pictures and the architectural drawing. The chair was concerned with the slope of the land. After seeing pictures, he felt comfortable approving under an RDA. No members of the public spoke.

Motion to close the public hearing as made by Mr. Vivaldi. Seconded by Ms. Green. Adopted unanimously 7-0.

Motion to issue Negative Determination with the following conditions: 1) Erosion controls must be inspected before work can commence. 2) Existing elevation grades around the garage CANNOT change. 3) The only soil to be stockpiled is a small amount to be used as backfill around addition. Large stockpiles of soil are not allowed to remain on site as made by Mr. Vivaldi. Seconded by Mrs. Harrop. Adopted unanimously 7-0.

4. A Public Hearing on a Request for Determination of Applicability submitted by JMB Design Studio LLC (Joseph Bettencourt). The property owner is Henrique Godhino. The proposed project consists of enclosing the three-season room in order to expand kitchen. The property is known as 155 Goodale Street, Map- 25, Lot-98, Peabody MA. First meeting date: 7.30.25

Present: Joseph Bettencourt (JMB Design Studio LLC) and Henrique Godhino (owner)

Summary: The proposed project consists of enclosing the three-season room in order to expand kitchen. He will use the three existing pilings. No digging is proposed. No grade change is proposed. No member of the public wished to comment. The plan must be revised to show erosion controls before it can be issued by staff.

Motion to close the public hearing as made by Mr. Comak. Seconded by Ms. Green. Adopted unanimously 7-0.

Motion to issue Negative Determination with the following conditions: 1) Work must be done according to approved plan (which states no digging is necessary). No digging allowed NOI required. 2) Erosion controls must be inspected before work can commence and Determination to be held until revised plan with erosion line is submitted as made by Mr. Cassidy. Seconded by Mrs. Harrop. Adopted unanimously 7-0.

NOTICE OF INTENT

5. A continued 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. First meeting date: 4.9.2025

Present: John Keilty (legal counsel)

Summary: Attorney Keilty summarized how the plan has been revised since the site visit and over the last few months. Some members feel it is overdevelopment of riverfront. An alternative analysis was included with original NOI as stated by legal counsel. Members could not find it. The chairman asked for the plan to be further revised by showing one house. **Discussion continued.** It seemed most members were supportive of the plan to be revised showing only one house. **Discussion continued.** Item was open to members of the public.

Ward 2 Councillor Peter McGinn

CLLR MCGINN: It sounds like the commission has heard the legitimate concerns of the neighbors. I think Commissioner Rizzo and Green are on the right track trying to move towards a solution. That might be more feasible or reasonable for the site. I will leave it at that. Thank you.

Motion to continue as made by Ms. Green. Seconded by Mr. Comak. Adopted unanimously 7-0.

6. A Public Hearing on a Notice of Intent submitted by Williams & Sparages LLC (Thorsen Akerly for Joseph and Jacqueline Ramieri (owners). The proposed project consists of the installation of an in-ground pool, pool house, patio and fence within 200' Riverfront Area. The property is known as 2 Yvonne Way, Map-45, Lot-15, Peabody MA. First meeting date: 7.30.25

Present: Christ Sparages (W&S)

Summary: Brief discussion ensued regarding the proposed project consists of the installation of an in-ground pool, pool house, patio and fence within 200' Riverfront Area. Mr. Rizzo was concerned about leftover soil being spread around the property. the Order was conditioned that soil should be removed off site within 2 days. The commission reminded the consultant about the city's drawdown requirements. **Discussion ensued** regarding water drawdown of the pool. No members of the public wished to speak.

Motion to close the public hearing as made by Ms. Green. Seconded by Mr. Vivaldi. Adopted unanimously 7-0.

Motion to issue a standard Order of Conditions reminding the applicant/owner of pool dewatering condition and adding the following special conditions: **51)** Erosion controls must be inspected before work starts as mentioned in condition 27B above. **52)** Any remaining soil from excavation hole must be removed off-site within 2 days. No stockpiling is allowed in the No Cut/No Disturb Zone. Soil shall not be deposited anywhere on site as made by Ms. Green. Seconded by Mrs. Harrop. Adopted unanimously 7-0.

7. A Public Hearing on a Notice of Intent submitted by Bohler Engineering MA, LLC (Matthew Ashley) for Raising Cane's Chicken Fingers. The property owner is Naked Real Estate LLC (Joseph Crugnale). The proposed project consists of redevelopment of riverfront property for a quick-serve restaurant with drive-thru. The property is known as 15 Sylvan Street, Map- 30, Lot-12, and Map 39, Lot 49, Peabody MA. First meeting date: 7.30.25

Present: John Keilty (legal counsel), Matthew Ashley (Bohler Engineering MA, LLC) and Thomas Schutz (Goddard Consulting- wetland scientist)

Summary: DPS is sending the item to peer review for stormwater. The peer review is not complete yet, but the consultant wanted to give a brief introduction to the project. The project is on the corner of Endicott Street (Danvers) and Sylvan Street (Peabody). It is the site of the former Fidelity Investment building. The building and drive-thru are located exclusively in the town of Danvers. The parking area is located in Peabody. They are reducing impervious surface by about 15%. Waters River is the reason why they are in front of the commission. Currently there are minimal plantings and no stormwater features. Presently water sheet flows from Danvers into Peabody and eventually the river. The water has been eroding the bank. They are proposing thirteen (13) new trees, ninety-four (94) shrubs and over one-hundred and eighty (180) ground plantings throughout the site. No work is proposed in FEMA Flood Plain or BVW. Mostly all work is within existing developed portion of lot. With one exception of fifty-six (56)

square feet of new riverfront impact outside of existing parking lot (small rip rap stormwater outlet). **Discussion continued** regarding the riverfront mitigation plantings. The project is in peer review; therefore, the commission felt the item should be continued. Danvers Conservation Commission has already voted on the Order of Conditions. They are presently working with the Danvers Planning Board. The item was open to members of the public. No public comments were recorded.

Motion to continue as made by Mr. Athas. Seconded by Ms. Green. Adopted unanimously.

8. A Public Hearing on a Notice of Intent submitted by Tighe & Bond (Jean Christy) for Dandreo Brothers General Construction (Robert Dandreo). The property owner is The Humphry 460 Realty Trust (Charles Patsios). The proposed project includes demolition and redevelopment of the existing building structures and associated stormwater management improvements in riverfront and FEMA Flood Plain. The property is known as 103 Foster Street, Map- 95, Lot-001A, Peabody MA. First meeting date: 7.30.25

Present: Jean Christy (Tighe & Bond) John R Keilty (legal counsel), Robert & Bill Dandreo (applicants) and Paul Crowley

Summary: The consultants gave a brief overview of the project. It is undergoing a peer review per DPS request. They are proposing to demolish all the existing buildings and replace them with one building. The remaining portions of the site (pervious and impervious) of site will be paved. The plan showed snow storage and a proposed dumpster. There is also an easement on site. The consultant briefly touched on the stormwater proposed (deep sump hooded catch basins, Stormceptors, roof drainage etc.). No groundwater recharge is proposed. The property currently has an AUL with certain requirements. No plantings are proposed. The property is also in FEMA Flood Plain and requires compensatory storage for any fill on site. **Discussion continued.** They are requesting the commission to review the project under the Historic Mill Complex Exemption. There was illegal excavation on site without an LSP. Since the item is going to peer review the commission felt it was appropriate to wait and continue the item. Item was open to the public. No comments from the public.

Motion to continue as made by Ms. Green. Seconded by Mr. Comak. The item passed unanimously 7-0.

CERTIFICATE OF COMPLIANCE

9. 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

Mr. Cassidy recused himself from the discussion and vote.

Present: Christopher Sparages (Williams & Sparages).

No updates. Mr. Rizzo will go out to the site soon. A resolution is in the works.

Motion to continue as made by Mrs. Harrop. Seconded by Mr. Comak. The item passed 6-0 with Mr. Cassidy recusing himself.

ENFORCEMENT ORDERS/VIOLATION ORDERS

10. 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

Motion to continue as made by Mr. Cassidy. Seconded by Ms. Green. Adopted unanimously 7-0.

11. 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.

Motion to continue as made by Mr. Comak. Seconded by Ms. Green. Adopted unanimously 7-0.

12. 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).

Item was continued at previous hearing to the September 10 meeting date. No motion is necessary.

MINOR PERMIT REQUESTS

- **Minor Permit-37 Foster Street (Eastern Bank)-Proposed work is roof replacement and restoration. (Work approved by staff on 5.29.25 with condition any debris that falls in river shall be removed per OSHA standards.)**
- **Minor Permit-360 Lynnfield Street- Proposed work is fixing one section of rotted deck & minor digging to fix old sono-tubes. Erosion controls have been installed and inspected. (Work approved by staff on 5.28.25).**
- **Minor Permit- 0 Blaney Avenue (Peabody Housing Authority)- Proposed work is roof replacement. (Work approved by staff on 6.3.25 with 3 special conditions-see onedrive).**

● **Minor Permit-46 Lowell Street- Proposed work is repaving of the existing driveway. No expansion is proposed. Work is in FEMA Flood Plain. (ConComm to vote-no approval to date)**

Motion to accept/approve all minor permits as made by Mr. Athas. Seconded by Mr. Comak. Adopted unanimously 7-0.

EXEMPTION REQUEST

● **Peabody Municipal Light Plant-letter from Attorney Nicholas Scobbo, Jr. on behalf of PMLP requesting an opinion from the city solicitor regarding exemption status for a proposed (BESS) battery energy storage system located at 201 Warren Street Extension, Map 63, Lot 164 Peabody MA. The property is within riverfront and FEMA Flood Plain. Awaiting opinion from legal team.**

Motion to continue as made by Mr. Comak. Seconded by Ms. Green. Adopted unanimously 7-0.

DISCUSSION ITEMS

● **Williams & Sparages request to discuss a revised plan and the possible need for a formal Amendment Request or admin vote for the property located at 60 Pulaski Street, Map 53, Lot 85, Peabody MA.**

Present: Chris Sparages

Summary: Some minor changes have been made along Pulaski Street for traffic safety reasons. Therefore, the plan is changing slightly along Pulaski Street and said entrances to property. The board felt that the work was minor and could be taken care of through the Certificate Compliance process. A formal amendment for changes along Pulaski Street is not necessary at this time.

Motion to accept minor changes/stating a formal amendment is not necessary at this time as made by Ms. Green. Seconded by Mr. Comak. Motion passed 6-0 with Mr. Vivaldi no longer present.

● **National Grid- letter dated 4.28.2025 notification of action under current Vegetation Management Plan. Work proposed is summer selective foliage treatment; and, as necessary, summer and fall cut surface treatment and basal treatments on rights-of-way in Peabody MA.**

Motion to accept as made by Mr. Athas. Seconded by Mr. Cassidy. Motion passed 6-0 with Mr. Vivaldi no longer present.

EMERGENCY CERTIFICATE

● **Emergency Certificate- Beaver dam breaching- dam located off Crystal Drive/Bike Path (latitude: 42.5449257; longitude: -70.9991965). Work starts on July 7, 2025 and end on or before August 5, 2025. The Health Department deems it an emergency. To be ratified by the commission.**

Motion to ratify as made by Mrs. Harrop. Seconded by Mr. Cassidy. The motion passed 5-1 with Mrs. Green voting NO and Mr. Vivaldi no longer present.

● **MINUTES- 5.7.2025**

Motion to approve as made by Mr. Athas. Seconded by Ms. Green. The motion passed 5-0 with Mrs. Harrop voting present and Mr. Vivaldi no longer present).

● **Adjournment**

Motion to adjourn as made by Mr. Cassidy. Seconded by Mrs. Harrop. The motion passed 5-2 with Mr. Vivaldi and Mr. Comak no longer present.

The meeting adjourned at 11:14 PM

Acting Chairman Michael Rizzo