



City of Peabody Conservation Commission

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

MINUTES

September 11, 2024

Link: <https://peabodytv.org/videos-on-demand/?vid=1316>

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
Arthur Athas
Bruce Comak
Amanda Green
Alternate Brian Cassidy
Alternate Jamie Harrop (left at 8:58pm)

MEMBERS ABSENT

Ritamarie Cavicchio
Sec. Michael Vivaldi

Also Present: Lucia DelNegro, Conservation Agent

CHAIRMAN LAZARES CALLED THE MEETING TO ORDER at 7:10 PM
Alternate members Brian Cassidy and Jamie Harrop had voting rights in the absence of Ms. Cavicchio and Mr. Vivaldi.

NOTICES OF INTENTS

1. A Public Hearing on a Notice of Intent submitted by Fuss & O'Neill (Josue Valdez) for the city of Peabody. The proposed project is the construction of a new Public Safety Headquarters and associated parking lots, stormwater infrastructure, utilities and landscaping. The property is known as 6 Allens Lane and 85 Perkins Street, Map 84, Lot 215, and Map 83, lot 90, Peabody MA. Meeting opened on: 9.11.2024

Present: Kevin McGarry (Fuss & O'Neill), Dan Doucette (Purchasing Agent), Matt Salad (Tecton Architects), Tyler Arciszewski (Tecton Architects), April Doroski (Wetland Scientist-Fuss & O'Neill), Josue Valdez (Engineer-Fuss & O'Neill)

Summary: This meeting item discussed the Notice of Intent submitted by Fuss & O'Neill for constructing a new Public Safety Headquarters in Peabody. The project includes developing a public safety facility, parking lot, stormwater infrastructure, utilities, and landscaping. The engineer, Kevin McGarry, and other project representatives provided a detailed overview using site plans, explaining the scope, resource areas, buffer zones, and stormwater management strategies. Importantly, there were discussions on the responsibility of environmental compliance and feedback from the Department of Public Services (DPS) and preliminary comments from Massachusetts Department of Environmental Protection. **Questions** from committee members included the legitimacy of the prior tree removal and potential influence on surrounding wetland buffers. The plan is designed to incorporate future potential solar canopy installations. **Discussion ensued** regarding logistics about construction sequence, managing soil disturbances, and if the retention basins are scheduled for early development in the construction plan. There was a consensus to clarify these issues before proceeding further. Finally, participants agreed that the commission would continue discussion after receiving and reviewing further comments from relevant departments.

Motion to continue as made by Mr. Rizzo. Seconded by Mrs. Harrop. Motion was approved unanimously 7-0.

2. A continued Public Hearing on a Notice of Intent submitted by Wetlands & Land Management, Inc. (William Manuell) for JND Real Estate Solutions LLC (John Decoulos). The proposed work is the demolition of existing SFH and the redevelopment of parcel into 3 townhouse style units with access driveway, garage parking, landscaping, stormwater management facilities and new utilities. The work also includes 650 SF of filled wetlands and replication areas. The property is known as 24 ½ North Central Street, Map 64, Lot 28, Peabody MA. Meeting opened on: 2.7.24

Summary: The applicant, J&D Real Estate Solutions LLC, had submitted a request for continuation without discussion as they were unable to complete the necessary documentation before the deadline.

Motion to continue the discussion to the October meeting as made by Ms. Green. Seconded by Mr. Athas. Motion passed 5-0 with the alternate members not voting.

3. A continued Public Hearing on a Notice of Intent submitted by Williams & Sparages LLC (Thorsen Akerley) for 10 Munroe Realty LLC (Joseph Salvaggio). The proposed project is the construction of a multi-family residential building within BLSF and Riverfront. The property is known as 10 & 12 Munroe Street, Map 85, Lot 2H and 2L, Peabody MA. First meeting date: 7.31.24

Discussion on this item was postponed, as it was reported the property owner had yet to sign the necessary peer review documents.

Motion to continue as made by Mrs. Harrop. Seconded by Mr. Cassidy. Adopted unanimously 7-0.

4. A continued Public Hearing on a Notice of Intent submitted by Hayes Engineering, Inc. (c/o Peter Ogren) for Atlantic Coast Home (c/o Michael Becker). The owner is Hardy and Munroe, LLC (Michael Becker-manager). The proposed work is the construction of a commercial condominium with associated parking, utilities and landscaping. The property is known as 0 Hardy Street, Map 85, Lot 1, Peabody MA. Meeting opened on: 2.7.24

Summary: The agenda item discussed the continued review of a construction project by Hayes Engineering, concerning a commercial condominium. The Board pointed out the absence of a full quorum and future issues with a quorum if a discussion happened. There are still several pertinent review communications pending. The item will need to be continued for deliberation at a future meeting.

Motion to continue as made by Ms. Green. Seconded by Mr. Rizzo. The item passed 5-0 with the alternate members not voting.

5. A continued Public Hearing on a Notice of Intent submitted by Attorney John R. Keilty for Josephine Cooke (owner). The proposed work is the construction of a single-family house with associated utilities, grading and driveway. The property is known as 29 Glendale Avenue aka 25 Glendale Avenue, Map 120, Lot 27, Peabody MA. Meeting opened on: 3.8.2023

CONTINUED TO OCTOBER 9 MEETING AT PREVIOUS HEARING- NO MOTION IS NEEDED

6. A continued Public Hearing on an Amendment to an Existing Order of Conditions DEP File No. 55-928 submitted by Williams & Sparages (Chris Sparages) for Ray Falite (applicant and owner). The proponent is requesting the commission to consider an Amendment to an existing Order of Conditions and determine if it falls under the guidelines of the MASSDEP's Amendment Policy. The property is known as 60 Pulaski Street, Map 53, Lot 85, Peabody MA. First meeting date: 7.31.24

Summary: The representative for Ray Falite had sent out an announcement that specifics for revised documents were not complete and asked for continuance.

Motion to continue the October hearing as made by Mr. Rizzo. Seconded by Mr. Cassidy. Adopted unanimously 7-0.

7. 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

Present: Bary Fogel, Esquire (legal counsel) and William Rocco (Country Club)

Summary: Discussion concerning the actions taken by Salem Country Club regarding previous unauthorized activities, primarily involving tree removal. The club was represented by their attorney Barry Fogel, who presented a response to concerns raised about funding a peer review. **Discussion continued** regarding whether additional replanting of trees within the affected areas, particularly over natural regrowth (sprouts) being considered equal replacement. Debate centered chiefly on the expectations of the commission concerning the trees' growth and allocation of financial resources for a continued or new peer reviewing effort (continue with DeRosa Environmental or hire a new arborist). The funding dispute was deliberated preventatively and all were in agreement that the DeRosa Team should continue the peer review for various reasons.

Motion to continue as made by Mr. Athas. Seconded by Ms. Green. The motion passed 5-0 with the alternates not voting.

8. A request for a FULL Certificate of Compliance as made by Douglas White (owner) on DEP File No. 55-797. The project was dwelling replacement, cottage restoration, tree removal, patio construction and utility enhancement. The address is now known as 15 and 17 Elginwood Road, Map 33, lot 62A AND Map 33, Lot 62X, Peabody MA. The Order of Conditions expired on 5.13.23. Meeting opened on: 9.11.2024

Present: Douglas White (owner)

Summary: The commission discussed the compliance request from Douglas White concerning dwelling replacement and associated works. An inspection noted the fulfillment of the development conditions, and staff confirmed satisfaction with environmental regulations observed on site.

Motion to issue a Full Certificate of Compliance as made by Mr. Rizzo. Seconded by Mr. Athas. The motion passed 6-1 with Mrs. Harrop no longer present.

9. A request for a FULL Certificate of Compliance as made by Levis Companies, Inc. on DEP File No. 55-935. The project was the removal of and existing pool patio, shed and concrete retaining wall as well as stabilizing the bank of Goldthwaite Brook. The address is now known as 181 Lynnfield Street, Map 100, lot 143, Peabody MA. The Order of Conditions expires on 3.21.27. Meeting opened on: 9.11.2024

Present: Joseph Levis- Levis Companies, Inc.

Summary: This item evaluated the compliance condition after repair and stabilization efforts by Levis Companies. Confirmation that restorative procedures were implemented achieved, satisfying project specifications. A detailed discussion arose about surrounding site conditions, prompting recognition of nearby environmental flooding concerns which were unrelated to this project.

Motion to issue a Full Certificate of Compliance as made by Mr. Rizzo. Seconded by Mr. Athas. Motion passed 6-1 with Mrs. Harrop no longer present.

MINOR PERMITS TREES AND OTHER

•Minor Permit Requests- NONE

•TREE REQUESTS: (TBR= to be removed)

-46 Diane Road and 2 John Road- Cicora Tree Service- 2 dangerous trees TBR- approved on 7.26.24 with conditions.

-Near 1 Essex Center Drive-Mayer Tree Service- pruning of trees and brush to allow site line for North Shore Mall sign. Approved on 7.26.24 with conditions.

Motion to accept Tree Permit Applications as made by Mr. Athas. Seconded by Mr. Cassidy. Motion passed 6-1 with Mrs. Harrop no longer present.

•OTHER:

► **Riverwalk Project-**Weston & Sampson on behalf of Brendan Callahan (city of Peabody). Environmental exploratory boring exempt activity notice located at **21 Caller Street** for proposed Riverwalk Project. Start date: TBD fall of 2024

Motion to accept as made by Mr. Athas. Seconded by Mr. Rizzo. The motion passed 6-1 with Mrs. Harrop no longer present.

• MINUTES- June 12

Motion to accept as made by Mr. Athas. Seconded by Mr. Rizzo. The motion passed 6-1 with Mrs. Harrop no longer present.

• Adjournment

Motion to adjourn as made by Mr. Athas. Seconded by Ms. Green. The motion passed 6-1 with Mrs. Harrop no longer present. The meeting adjourned at 9:26PM.

Stewart Lazares

Chairman Stewart Lazares