



City of Peabody  
**Conservation Commission**

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

**MINUTES**

**MARCH 11, 2020**  
**DEPARTMENT OF PUBLIC SERVICES**  
**50 FARM AVENUE**

**MEMBERS PRESENT**

Chairman Michael Rizzo  
Vice Chairman Bruce Comak  
Secretary Stewart Lazares  
James DiGiulio (alt.)  
Michael Vivaldi (alt.)

**MEMBERS ABSENT**

Bryan Howcroft  
Travis Wojcik  
Melissa Feld-Cantin

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

CHAIRMAN RIZZO CALLED THE MEETING TO ORDER at 7:00 pm

**PROPOSED NEXT MEETING DATES- May 20, 2020 Peabody City Hall -LLCR**

Both Alternate Commissioners were given voting rights in the absence of two commissioners.

**REQUEST FOR DETERMINATION OF APPLICABILITY**

**1. A Public Hearing on a Request for Determination of Applicability submitted by RJ O’Connell & Associates, Inc. (Brian McCarthy) for MEC Peabody Associates Limited Partnership. The proposed project consists of constructing a drive-up ATM in the paved parking area providing a drive-through lane to the ATM. The ATM will sit on a concrete pad of approximately 8’x 8’. The property is known as 635-637 Lowell Street, Map 024, Lot 070, Peabody MA.**

**Present:** Melanie Carr (WS Development) and Brian McCarthy (RJ O’Connell & Associates Inc.)

**Summary:** The applicant was at the February meeting to discuss the project. Since the commission was already informed about the project very little discussion was needed. There has been one minor change regarding the cueing of cars. The change was discussed earlier in the day at the Construction Review meeting held at city hall with numerous departments. Sediment controls have also been added to the revised plan per staff’s request. There were no comments from the public.

Motion to close the public hearing as made by Mr. Comak. Seconded by Mr. Vivaldi. Adopted unanimously.

Motion to issue a Negative Determination adding the following conditions: **1)** All work must be done according to the plans submitted and approved by the commission and **2)** The erosion controls must be inspected by conservation staff before work can commence as made by Mr. Lazares. Seconded by Mr. DiGiulio. Adopted unanimously.

**2. A Public Hearing on a Request for Determination of Applicability submitted by BL Companies (Suzanne King) for LCI Management c/o Eric Loiacano. The proposed project consists of a building addition, modifications to the parking area, stormwater changes and increase in pervious areas. The property is known as 151 Andover Street, Map 52, Lot 17X, Peabody MA.**

**Present:** Attorney John R Keilty (legal Counsel) and Suzanne King (BL Companies)

**Summary:** The property is the old Border Books parcel. They have received approval from the Zoning Board of Appeals. The applicant has met with the residential abutters already at a separate meeting. They have worked out details such as hours of operation, colors and other issues that pertain to the residential neighbors. They will appear in front of city council on March 12<sup>th</sup>. Ms. King went over the project and discussion ensued. The plan has been revised since the submittal. The commission has not reviewed the changed plans. The commission also did not receive numerous sheets of the plan for review. The applicant failed to submit a detail sheet and an erosion control plan to the commission. The plans submitted also did not show the stockpiling location(s). The commission stated no stockpiles shall be allowed in the buffer zone to any resource on site. The commission asked for a revised plan showing all revisions required from other departments and boards. The commission also asked for a revised plan showing erosion controls, catch basin protection/erosion control detail sheet and the stockpiling location with erosion controls shown. The new plans must have revisions dates listed if applicable. There were no comments from the public. The commission is supportive of the project filing as an RDA but needs revised plans before they can make a motion to approve.

Motion to continue as made by Mr. Lazares. Seconded by Mr. DiGiulio. Adopted unanimously.

**CERTIFICATE OF COMPLIANCE**

**3. A request for a Certificate of Compliance made by Attorney John R Keilty on behalf of Attorney Trista Christensen for 13 Endicott St on DEP file No. 55-582. The project was the construction of 4 townhouses and stormwater features. The property is known as 13 Endicott Street, Map ? , Lot ? , Peabody MA.**

**Summary:** The catch basins (CB) have been cleaned with a vacuum truck and a report has been submitted to the commission. Attorney Keilty stated it was the first time being cleaned since installation. Going forward the condo association should be maintaining and inspecting these structures per the O&M Plan. One CB had about one (1) foot of sediment in it. However, the other CBs only had a few inches. All of the structures conditions have been reported as “above average”. There is no history of any flooding on the property or the neighborhood according to legal counsel. The stormwater system has been installed but an As Built Plan has still not been drafted and submitted to the commission for review. Commissioner Lazares reminded the applicant and the Commission that William Paulitz (city engineer) submitted a memo requesting an As Built Plan and proof of maintenance to the drainage structures. Mr. Lazares would like DPS to weigh in on the maintenance report submitted. Attorney Keilty stated he would forward the report to Mr. Paulitz for review. The commission is concerned that the stormwater system will not be maintained. The commission asked for an As Built Plan and the O&M Plan must be followed going forward. The O&M Plan should be revised to reflect the new owners. Attorney Keilty will let his client know and report back to the commission. At first the commission stated they will not sign off without an As Built. The client may leave the CC outstanding as the unit has since sold. Chairman Rizzo stated that if the O&M Plan was revised and a drawing showing the approximate locations of the catch basins was submitted, he might be willing to bend the rules and accept it for approval. There was also discussion about a possible Enforcement Order (EO) for not following the O&M Plan for 18 years. The Condominium Association is technically in violation of the Order of Conditions. Since they recently cleaned the basins the commission did not feel that an EO was necessary. Ms. DelNegro reminded the commission that if they accept a hand drawn As Built Plan, they would be setting precedent. Some commissioners disagreed.

Motion to continue as made by Mr. Vivaldi. Seconded by Mr. Lazares. Adopted unanimously.

**AMENDMENT REQUEST**

**4. A continued Public hearing on an Amendment Request for an Existing Order of Conditions DEP File. No 55-857 submitted by Joseph Salvaggio. The proposed work is the construction of a single-family house with driveway, utilities and lawn. The new property owner wishes to increase the footprint of the structure. The property is known as 73 Lake Street, Map 45, Lot 62, Peabody MA.  
CONTINUED UNTIL THE APRIL 15 HEARING**

**Summary:** There was a brief discussion about the test pits that will be conducted on site on 3.24.20. Some commissioners stated it has been a dry spring and wished he would wait until we had more significant rainfall. There was also discussion regarding the beaver deceiver that is currently damaged.

Item was continued at a previous meeting. A motion was not needed.

### **ENFORCEMENT ORDER**

**5. Continued Enforcement Order located at 60 Warren Street Extension. The property owner has done various projects in riverfront without a permit from the commission. The most egregious issue is the failing retaining wall and the stormwater drainage pipes into Proctor Brook.**

**Summary:** The Conservation Agent and Commissioner Lazares are meeting with Attorney Conn to discuss this project. The property owner was told he was not required to appear at any future meetings until he hears from the commission.

Motion to continue as made by Mr. Lazares. Seconded by Mr. DiGiulio. Adopted unanimously.

### **VIOLATION ORDER**

**6. 2 Murphy Road- The property owner, Jennifer Seger, has been experiencing significant flooding inside her home. Three houses have been developed on Murphy Road at 4 Murphy, 6 Murphy and 6A Murphy. The alleged violation is the cutting of a dangerous tree without ConComm permission and bringing in fill to alter the buffer zone to alleviate flooding concerns inside the home.**

**Present:** Jennifer Seger and her daughter Lisa were present.

**Summary:** The commission asked the property owner to install erosion fabric. Thy also asked her to place seed as soon as it is practicable. Presently the site is exposed soil. The commission approved the removal of the dangerous trees and she does not have to replace said trees. The commission did not think the work warranted an Enforcement Order if erosion fabric and seed was installed in a reasonable time period. **Discussion ensued.**

Motion to continue as made by Mr. Comak. Seconded by Mr. Vivaldi. Adopted unanimously.

**7. Shirat Hayam- Wetland Mitigation Report –Beth El Cemetery Lowell Street- violation is the dumping of soil and other earth refuse in buffer zone.  
CONTINUED UNTIL MAY 2020**

Item was continued at a previous meeting. A motion was not needed.

### **OTHER**

- Any other matter presented to the commission at this time.

► 7 Glen Drive- Jamie Trahant-

**Summary:** The property owner received a permit to construct an addition to an existing single-family house without the knowledge, consent or approval from the commission or MASSDEP. Since the addition is almost complete the commission felt an NOI was not necessary at this time. The addition was constructed too close to trees on the property. The owners were at the hearing to request approval to remove said trees. Commission staff will forward a list of approved trees/shrubs. The property owners agreed to replace the trees with various plantings. Staff will follow up regarding the plantings. The trees can be cut down, but they cannot be grinded or grubbed. The stumps must remain, and replacement shrubs/trees must also be planted. The commission stressed that the permitting software should be updated immediately to prevent this mistake from happening again. The software has not been accurate for three (3) years. It has placed numerous property owners, abutters and city staff in an awkward position and in some

cases have created a hostile working environment. Chairman Rizzo stated he would contact the mayor to try and have this issue fixed.

**APPROVAL OF MINUTES**

**8. MINUTES- January 15, 2020**

Motion to accept the January minutes as made by Mr. Vivaldi. Seconded by Mr. DiGiulio. Adopted unanimously.

**SUBCOMMITTEE REPORTS**

• **Land Acquisition Committee- Chairman Rizzo**

Motion to close the hearing and adjourn as made by Mr. Comak. Seconded by Mr. DiGiulio. Adopted unanimously.

The hearing adjourned at 9:15 PM.

**Respectfully submitted-**

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**Chairman Michael Rizzo**