



## City of Peabody Conservation Commission

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

### MINUTES

**January 10, 2024**

**Link:** <https://peabodytv.org/videos-on-demand/?vid=1170>

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  
Sec. Michael Vivaldi  
Arthur Athas  
Ritamarie Cavicchio  
Bruce Comak (arrived 7:03)

#### MEMBERS ABSENT

Amanda Green

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

CHAIRMAN LAZARES CALLED THE MEETING TO ORDER at 7:00 PM

**CERTIFICATE OF COMPLIANCE**

**1. A request for a FULL Certificate of Compliance as made by Joseph Mucci for DEP file 55-924. The project was the installation of an above-ground swimming pool at a single-family residence. The address is known as 71 Lake Street, Map 45, Lot 039A, Peabody MA.**

**Present:** Joseph Mucci (owner) and Keith Waring (Gibraltar Pools)

**Motion** to issue a Full Certificate of Compliance adding condition #49 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 as made by Mr. Rizzo.* Seconded by Mr. Athas. Adopted unanimously 6-0.

**2. A request for a FULL Certificate of Compliance as made by Manuel Espinola for DEP file 55-918. The project was the construction of an addition and deck. The address is known as 9 Clark Road, Map 48, Lot 49, Peabody MA.**

**Motion** to issue a Full Certificate of Compliance as made by Mr. Rizzo. Seconded by Ms. Cavicchio. Adopted unanimously 6-0.

**3. A request for a FULL Certificate of Compliance as made by Gilbert Alexio-Filho for DEP file 55-670. The project was the extension of Carell Road for a single-family house. The file has expired, and a new DEP file number has been issued (see item 5 below). The address is known as 18 Carell Road, Map 57, Lot 74N, Peabody MA.**

**Present:** Tom Schutz (Goddard Consulting, LLC)

**Motion** to issue a Full CC checking off the invalid box stating the document is for administration purposes. Any future work will be done under the new DEP File No. 55-933 as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 6-0.

*NOI-Item 5 taken out of order*

**5. A Public Hearing on a Notice of Intent submitted by Goddard Consulting, LLC (Tom Schutz) for Trustee of 18 Carell Road Nominee Trust (Gilbert Aleixo-Filho). The proposed work is the construction of an extension to Carell Road with associated grading to be used as a snow storage area, turnaround and driveway for a single-family house within buffer zone of BVW. The property is known as 18 Carell Road, Map 57, Lot 74N, Peabody MA.**

**Motion** to continue as made by Mr. Athas. Seconded by Mr. Vivaldi. Adopted unanimously 6-0.

#### **REQUEST FOR DETERMINATION OF APPLICABILITY**

**4. A Public Hearing on a Request for Determination of Applicability submitted by Griffin Engineering Group, LLC for MJV Capital LLC. The project consists of repairing/modernizing the existing building to accommodate office and restaurant patrons, improve interior spaces. Work is within the riverfront to Goldthwaite Brook. The RDA application has further details on protections during construction. The property is known as 10-14 Lowell St, Map 85, Lot 185, Peabody MA.**

**Present:** Matthew Genzale (General Contractor-MRG Construction Management), Joseph Bettencourt (Architect) and Bob Griffen (Civil Engineer- Griffin Engineering Group, LLC)

**Summary:** The existing building will be significantly improved (inside and outside). A portion of the building is over the brook. Construction access is to the left of the building near the railroad tracks and closer to the parking lot on Foster Street. The brook will be protected during the ongoing construction. The existing footprint will not change but they will need to access the building from the rear which is riverfront. They will protect the brook from debris with fifteen plywood platforms that will temporarily be laid over the brook. They will straddle the brook and be covered with filter fabric so small debris does not make its way into the resource. If a storm is proposed, they will easily be able to remove and store it at 16 Lowell Street. This is a lot owned by the city and they have already secured approval from the mayor and the city. **Discussion ensued** regarding the presentation. The footprint of the building will not be expanded. The board and DPS would like to see the platforms vacuumed daily. The anchor supports for the temporary decks did not appear intrusive to the riverfront. There were no members of the public that wished to speak. The work is temporary in nature therefore the commission did not feel an NOI was necessary.

**Motion** to close the hearing as made by Mr. Athas. Seconded by Ms. Cavicchio. Adopted unanimously 6-0.

**Motion** to issues a Negative Determination with the following conditions: **1)** BMPs must be kept in good condition and checked daily (erosion controls, horizontal screening, planks to be vacuumed daily at the end of each workday; **2)** the platforms are temporary and must be removed when the work is finished as made by Mr. Rizzo. Seconded by Mr. Athas. The motion passed 5-1 with Mr. Vivaldi voting NO.

#### **NOTICE OF INTENT**

**5. A Public Hearing on a Notice of Intent submitted by Goddard Consulting, LLC (Tom Schutz) for Trustee of 18 Carell Road Nominee Trust (Gilbert Aleixo-Filho). The proposed work is the construction of an extension to Carell Road with associated grading to be used as a snow storage area, turnaround and driveway**

**for a single-family house within buffer zone of BVW. The property is known as 18 Carell Road, Map 57, Lot 74N, Peabody MA.**

**Motion** to continue as made by Mr. Athas. Seconded by Mr. Vivaldi. Adopted unanimously 6-0.

**6. A Public Hearing on a Notice of Intent submitted by Williams & Sparages LLC (Thorsen Akerly) for Peabody Living LLC (applicant-Paul DiBiase). The owner is The Laurel Co. Inc. The proposed work is the construction of a single-family home, paved driveway and associated grading within 100-foot buffer to bordering vegetated wetlands. The property is known as 0 Pearl Street, Map 105, Lot 85, Peabody MA.**

**Present:** Thorsen Akerly-W&S, LLC

**Summary:** Thorsen gave a presentation about the proposed project. There was confusion about if a retaining wall existed already or if there was a drafting error. Runoff from the driveway was a concern. The ConComm asked for a revised plan showing the following: retaining wall detail, labels revised if needed and granite posts with detail. They also felt that a site visit was necessary. It will be scheduled offline with the commission and consultant.

**Motion** to continue as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 6-0.

**7. 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.**

**Present:** John R Keilty, Esquire (legal counsel)

**Summary:** The plan is being revised. Legal counsel for the applicant requested a continuance.

**Motion** to continue as made by Mr. Athas. Seconded by Mr. Comak. Adopted unanimously 6-0.

**8. A continued Public Hearing on a Notice of Intent submitted by Williams & Sparages LLC (Thorsen Akerly) for Ray Falite. The proposed work is the construction of a commercial building, driveways, parking, landscaping, utilities, stormwater, public walking trail with canoe launch and riverfront area restoration. The property is known as 60 Pulaski St, Map 53, Lot 85, Peabody MA.**

The applicant's consultant asked for a continuance prior to the hearing.

**Motion** to continue as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 6-0.

**9. A Public Hearing on a Notice of Intent submitted by Allen & Major Associates, Inc. (Jacqui Trainer). The proposed work is the construction of an addition to the building encompassing 82,760SF of the west side of the existing building. The existing detention basin will be enlarged to accommodate the increased impervious surface. The property is known as 140 Summit Street, Map 093, Lot 008, Peabody MA.**

The project is still undergoing a peer review. The item was continued.

**Motion** to continue as made by Mr. Athas. Seconded by Mr. Rizzo. Adopted unanimously 6-0.

**10. A Public Hearing on a Notice of Intent submitted by LEC Environmental Consultants, Inc. (Ann Marton) for 8 Centennial Drive Owner, LLC c/o Tishman Speyer Development, LLC (Rustom Cowasjee). The proposed work is the redevelopment of the former Analogic building to include razing and removing all buildings and infrastructure. The construction of four new commercial industrial warehouse buildings with internal circulation, parking, loading facility and supporting infrastructure. Portions of the project occur in the buffer zone to BVW. No work is proposed in riverfront. The property is known as 8 Centennial Drive, Map 91, Lot 6, Peabody MA.**

**Present:** Ann Marton (LEC Environmental Consultants, Inc.), Rustom Cowasjee (Tishman Speyer-Development LLC), John Pelletier (Tishman Speyer-Development LLC), Timothy Houle (BL Companies) Suz King (BL Companies), Parker Strong (Tishman Speyer-Development LLC)

**Summary:** The Tishman Speyer team gave a brief update and a quick project review. There is a net reduction of impervious surface in the buffer zone on site to the tune of approximately 11,850 square feet. The consultants went over the phased demolition/construction sequences and snow storage plans. **Discussion ensued** as the presentation was discussed regarding phasing, demolition (abate building and existing utilities), construction traffic/parking, construction trailer locations and snow removal. Mr. Rizzo asked about the removal of existing stormwater and how the site would function. The phased plans should cover all the questions that were asked by the commission. **Discussion continued** regarding the phased approach which includes temporary basins etc. Some commission members were concerned that temporary drainage basins, swales check dams etc. would not be constructed until later in the construction process. **Discussion ensued.** The applicant explained when the pavement is removed that is when temporary stormwater features will be installed. The existing stormwater features will remain and will function until the pavement is removed and earth work commences (phase 2). Mr. Rizzo was still concerned about the methodology and phasing. **Discussion continues.** The project is still being reviewed by a third-party consultant and the city's engineering department. The commission can not vote until the peer review is complete and all outstanding revisions have been submitted and reviewed.

**Motion** to continue as made by Mr. Rizzo. Seconded by Mr. Comak. Adopted unanimously 6-0.

**ENFORCEMENT ORDERS/VIOLATION ORDERS**

**11. 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.**

**Motion** to continue as made by Mr. Rizzo. Seconded by Mr. Comak. Adopted unanimously 6-0.

**MINOR PERMITS TREES AND OTHER**

● **Minor Permit- 181 Lynnfield Street- install new windows, siding, exterior doors rear of building in riverfront.**

**Motion** to accept and approve the Minor Application request as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 6-0.

● **Discussion item- John R Keilty, Esquire requests a discussion on 55-912 and 55-682.**

**Summary:** Attorney Keilty explained this was for 190R Newbury Street. The easement has been revised and the new document needs to be approved by the city solicitor and signed by the chairman. He requested a conditional vote for approval of said legal document. Various members of the board were confused as to what Attorney Keilty was requesting. The commission asked for an overlay of before and after as most were not on the commission when the original NOI was approved. The restricted areas have changed with the revised approved Order of Conditions file no. 55-912. **Discussion ensued.** If the item is confusing when reviewing said documents the commission reserves the right to have the attorney attend the next meeting for further clarification.

**Motion** to conditionally approve as long as Attorney Conn, officers and staff review and approve as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 6-0.

**OTHER ITEMS**

- **MINUTES- NONE**
- **Adjournment**

**Motion** to adjourn as made by Mr. Athas. Seconded by Mr. Comak. Adopted unanimously 6-0. **The meeting adjourned at 9:41 PM**

**Respectfully submitted, (To be signed electronically)**

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**Chairman Stewart Lazares**