



## City of Peabody Conservation Commission

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

### MINUTES

**October 9, 2024**

**Link:** <https://peabodytv.org/videos-on-demand/?vid=1341>

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  
Amanda Green (left at 8:53pm)  
Alternate Brian Cassidy  
Alternate Jamie Harrop

#### MEMBERS ABSENT

Arthur Athas  
Bruce Comak

**Also Present:** Lucia DelNegro, Conservation Agent; Daniel Doucette, City of Peabody Purchasing Agent; Ward 6 City Councillor Michael Higgins

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

**NOTICE OF INTENTS**

**1. A continued 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:** Matt Salad (TECTON -Project Architect) Kevin McGarry (Fuss & O'Neill-Sr. Project Manager), Josue Valdez (Fuss & O'Neill-Senior Civil Engineer) Dan Doucette (City of Peabody Purchasing Agent)

**Documents:**

- Peabody Public Safety Headquarters Plan drafted by Fuss & O'Neill, stamped by Kevin McGarry, PE. Scale is as noted per sheet.
- Figure 3- Snow Storage Plan submitted with NOI.
- Figure 2- BMP location plan
- Long Term Operation and Maintenance Plan- Peabody Public Safety Headquarters- Fuss & O'Neill. Also see Appendix A (O&M inspection checklist) and Appendix B (Subsurface infiltration O&M Manual).

**Summary:** Mr. McGarry gave a brief presentation. The hearing was opened last month. DEP, ConComm staff, commission members and DPS had comments. All comments were addressed with a written response from the applicant's consultants. Additional erosion controls have been installed at the request of the commission. Bill Stansfield had a meeting with the consultant team and all issues were worked out regarding MS4 standards. Additional treatment was already built into the project design. The construction sequence has been amended. **Discussion ensued** regarding the project going out to bid and unrelated ConComm matters. Mr. Rizzo inquired about DEP's comments. It has been responded to via written comments. No members of the public wished to comment.

**Motion** to close the public hearing as made by Mr. Rizzo. Seconded by Mrs. Harrop. Adopted unanimously 6-0.

**Motion** to issue a standard Order of Conditions 1-50 adding the following special conditions and checklists: **51)** The Operation and Maintenance Plan is in perpetuity; **52)** Once the treatment train is online, maintenance reports shall be emailed to conservation staff annually on 10.31 and Checklists F, H and J as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 6-0.

**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**

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**property is known as 24 ½ North Central Street, Map 64, Lot 28, Peabody MA.**  
Meeting opened on: **2.7.24**

**Summary:** The applicant's attorney submitted a letter requesting the NOI to be withdrawn.

**Motion** to accept the withdrawal of the Notice of Intent DEP file No. 55-937 as made by Ms. Green. Seconded by Mr. Vivaldi. The motion passed 4-2 with the alternates 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**

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

**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**

**Present:** Peter Ogren (Hayes Engineering)

**Summary:** Brief discussion ensued regarding the contamination at the site. The item is still in peer review. DPS submitted a memo on October 7th to commission staff only. The memo had two comments, and the peer review has been returned to the city (peer review dated 10.3.24). The applicant never received the memo or new peer review documents from William Stansfield (DPS). The commission felt the applicant's consultant reviewed the peer review and DPS memo for discussion at the next hearing.

**Motion** to continue to the November hearing as made by Mr. Vivaldi. Seconded by Mr. Rizzo. The motion passed 4-2 with the alternates 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**

**Motion** to continue as made by Mr. Vivaldi. Seconded by Mr. Rizzo. The motion did not pass 3-1 with Mr. Lazares voting NO and the alternates not voting.

**Motion** to reconsider and continue the item to the November meeting as made by Mr. Vivaldi. Seconded by Mr. Rizzo. The motion passed 4-2 with the alternates not voting.

**6. A Public Hearing on a Notice of Intent submitted by Robert Marini (NATIVEtec) for Charles DiPerri (applicant/owner). The proposed project is the removal of above ground pool, the installation of an inground pool with associated site modifications and establishing a well for irrigation. The property is known as 41 Beacon Boulevard, Maps/Lots: 108/192X, 108/213, 108/214, 108/215, 108/216, 108/217, Peabody MA. First meeting date: 10.9.2024**

**Present:** Robert Marini (NATIVEtec) and Charles DiPerri (owner)

**Documents:**

► Project Title: Charles DiPerri-41 Beacon Blvd Peabody MA-Notice of Intent Plan prepared by NATIVEtec stamped by Robert Marini. Scale: 1"=20' and as noted. Final revision date of 7.23.24.

► Scope of Work for Drilling: 41 Beacon Bld. Submitted by Odgen Well and Pump Company (or similar construction sequence must be followed if the owner decides to go with a different well driller).

**Summary:** The proposed project is the removal of the above ground pool, the installation of an inground pool with associated site modifications and establishing a well for irrigation. Mr. Rizzo asked if any of the lots would be sold in the future. The owner does not plan on selling or building anything on his adjacent lots. They wish to enjoy the property and not construct anything further than shown on the plan or sell any in the future. The closest disturbance is about eighty (80) feet from the resource. There were no comments from DPS. **Discussion ensued** regarding the well and a licensed well driller. The item was open to members of the public.

**Motion** to close as made by Mr. Rizzo. Seconded by Mr. Vivaldi. Adopted unanimously 6-0.

**Motion** to issue Standard Orders of Conditions with the following special conditions: **49)** 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. **THIS CONDITION IS IN PERPETUITY; 50)** Work and maintenance shall be done in accordance with the plans and reports submitted with NOI (mentioned above); **51)** All appropriate permits from the Board of Health and other MASSDEP divisions under the Well Driller Program are required for said WELL installation. Said permits **MUST** be granted before such work can commence. If a Well Completion Report is required, a copy should be submitted to ConComm staff once it is available as made by Mr. Rizzo. Seconded by Mr. Cassidy. The motion passed unanimously 6-0.

**7. A Public Hearing on a Notice of Intent submitted by John R Keilty (legal counsel) for Delores Alimonti (applicant/owner). The proposed project is the construction of a single-family home, driveway, utilities and landscaping. The property is known as 0 Blackstone Street, Map 5, Lot 25, Peabody MA. First meeting date: 10.9.2024**

**Present:** Attorney John R. Keilty (legal counsel) and Christopher R Mello (Eastern Land Survey Associates, Inc.)

**Documents:**

► Site Development Permit Plan located in Peabody MASS 29 AKA 0 Blackstone Street. Prepared by Eastern Land Survey Associates, Inc. Stamped by Christopher R. Mello, LS. With a final revision date of 10.3.2024 and a scale of: 1"=20'.

**Summary:** Attorney Keilty gave a brief project description. The plan has been revised to show the stream that was erroneously left off the original plan. The proposed project is the construction of a single-family home, driveway, utilities and landscaping. The commission was curious that DPS didn't have any comments regarding the roadway extension in their memo. There was a conversation regarding trying to conserve as many healthy trees on site as possible. William Stansfield submitted a memo on behalf of DPS. The memo stated that DPS did not have any comments. With no comments from DPS to impede the project the commission felt they could vote. There were no members that wished to speak on the project.

**Motion** to close the public hearing as made by Mr. Vivaldi. Seconded by Mrs. Harrop. Adopted unanimously 6-0.

**Motion** issue a standard Order of Conditions 1-50 adding the following special condition: **51) TREE CONDITION:** The essence of this condition is to preserve as many healthy trees as practicable. Tall dangerous trees can be removed as needed (older tall pines etc.). Trees located along the EAST and Southeast of the property (fifteen feet around the edge of property line closest to the wetlands and existing fence) that are hardwood and have a caliper of ten (10) inches or greater shall not be removed as made by Mr. Rizzo. Seconded by Mr. Cassidy. Adopted unanimously 6-0.

**AMENDEMENT REQUEST**

**8. 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**

**Present:** Chris Sparages (Williams & Sparages)

**Documents:**

- ▶ Site Plan Set- 60 Pulaski Street Peabody MA prepared by Williams & Sparages with a final revision date of 7/31/2024. Stamped by Christ Sparages. Sheets 1-17. Scale is as shown.
- ▶ Long Term Pollution Prevention Plan submitted with the Amendment request in the revised stormwater documents. (3 pages)
- ▶ Construction Period Pollution Prevention Plan & Erosion & Sediment Control as submitted with Amendment request in the revised stormwater documents. (32 pages)
- ▶ Snow Disposal Guidelines as submitted with Amendment request in the revised stormwater documents. (5 pages)
- ▶ Deicing Chemical (Road Salt) Storage as submitted with Amendment request in the revised stormwater documents. (2 pages)
- ▶ Long Term Operation & Maintenance Plan with a final revision date of May 23, 2024 as submitted with Amendment request in the revised stormwater documents. (12 pages including inspection/maintenance forms).

**Summary:** The plan has been revised to show the public walking trail with access from Pulaski Street to the Waters River. Last month there was a discussion about a pocket park being included in the design. The owner did not want to agree to the construction of the pocket park. If he decides to go through the Chapter 91 process he thinks he may be able to develop the lot further. He is still committed to the public access walking trail and access to the river. **Discussion ensued** regarding proposed plantings/landscaping. The order of conditions will remain mostly the same. All original conditions remain. The only thing that changes will be the revised plans. There were no members of the public that wished to speak.

**Motion** to close the public hearing as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 6-0.

**Motion** to accept and approve Amendment changes and issue a Standard Order of Conditions 1-50 adding the following special conditions from the original Order: **51)** LSP to be on site during earthwork activities and to provide weekly reports to the ConComm/city detailing where the soil is deposited; **52)** Snow Storage areas as shown on C5-1 sheet 10 shall be followed. Snow shall never be dumped in Water Rivers, BVW or associated buffer zones, rain gardens etc. unless a snow emergency by DEP has been declared and permission has been granted by the appropriate authorities; **53)** All Conservation signs and trail walking path/kayak/canoe launch signs shall remain in perpetuity; **54)** The applicant/property owner shall work cooperatively with the city of Peabody to prepare the area for the proposed “public walking trail” and “public landing/canoe/kayak ramp” leading up to and during construction. The kayak/canoe rack (2 racks total) and walking trail will be installed/constructed by the applicant/owner and NOT by the city of Peabody. The applicant has designed the project to remain outside the jurisdiction of Chapter 91 and keeping all elements of the project above the Mean High Water (MHW) line. The intent was to avoid any permitting through Chapter 91. If for any reason, a more desirable location is identified in the field during construction for the proposed “public walking trail” and/or “public landing/canoe/kayak ramp”, that requires Chapter 91 permitting, the city of Peabody will be responsible for permitting the work for the “public walking trail” and or “public landing/canoe/kayak ramp.” The property owner agrees to authorize any permitting effort the city may need to pursue to secure the right

to construct the public walking trail and public landing/canoe/kayak ramp; **55)** The property owner/applicant shall grant easements for public use over the public walking trail and public landing/canoe/kayak ramp as a public pathway once these facilities are constructed on the ground. Said pathway "easement" MUST be filed at the South Essex Registry of Deeds as required by the city before the issuance of a BUILDING PERMIT or the Certificate of Compliance for the Order of Conditions is issued by the Conservation Commission. The city shall be responsible for future upkeep and maintenance of the constructed public walking trail and public landing/canoe/kayak ramp. All easements across the project locus related to the public walking trail and public landing/canoe/kayak ramp and parking lot drop off shall be subject to prior approval of the City Solicitor; **56)** No Certificate of Compliance (Partial or Full) will be issued until the complete construction of the walking trail, access dock, kayak/canoe racks and associated signs are installed. The parking lot drop off is TBD but shown on said plans. Also including all comments from DPS memo submitted by Robert Langley as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously.

(Ms. Green left the hearing at 8:53PM)

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

**9. A Public Hearing on a Request for Determination of Applicability submitted by John R Keilty (legal counsel) for Andy Brito (applicant/owner). The proposed project is interior work and the restriping/repair/maintenance of the parking area. The property is known as 288 Washington Street, Map 102, Lot 54, Peabody MA. First meeting date: 10.9.2024**

**Present:** Attorney John R Keilty (legal counsel)

#### **Documents:**

► Plot Plan of Land-Peabody MA prepared for Tilas Realty Corp for 288 Washington Street- prepared by David Terenzoni, PLS scale: 1"=20'

**Summary:** The building will be a dentist's satellite office. **Discussion ensued.** The original plan showed a new parking space within the riverfront. The plan has been revised to show no expansion of the parking lot. Expansion of the parking lot would require a Notice of Intent. A few trees will also be removed. There were no members of the public that wished to comment.

**Motion** to close as made by Mr. Rizzo. Seconded by Mr. Cassidy. Adopted unanimously 5-0.

**Motion** to issue a Negative Determination with the following special conditions: **1)** Post and rail fence must be installed at the edge of the paved area; **2)** At least one "NO Snow Storage or Dumping" sign must be installed on the fence or freestanding sign so plow trucks/landscapers are aware that snow and other debris cannot be stockpiled in riverfront; **3)** Erosion controls MUST be inspected BEFORE any earthwork can commence; **4)** An As Built Plan is required once outdoor work is complete as made by Mr. Rizzo. Seconded by Mr. Cassidy. The motion passed 5-0 with Ms. Green no longer present.

**EXTENSION REQUEST**

**10. A Request for an Extension Permit on DEP File No. 55-896. The request is being made by Attorney Fogel on behalf of the Salem Country Club. The property is known as 133 Forest Street, Map 70, Lot 003. The Order expires on 11.3.2024.**

**Present:** Attorney Barry Fogel (legal counsel) and William Rocco (Salem Country Club)

**Motion** to issue a one-year extension as made by Mr. Rizzo. Seconded by Mr. Vivaldi. The motion passed 5-0 with Ms. Green no longer present.

**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. Meeting opened on: 4.13.22**

**Present:** Attorney Barry Fogel (legal counsel) and William Rocco (Salem Country Club)

**Summary:** The commission's consultant was unable to attend the hearing. Ms. Green was no longer in the hearing. Therefore, the commission decided to continue the item when the original voting commissioners are still present to discuss.

**Motion** to continue to the November meeting as made by Mr. Rizzo. Seconded by Mr. Cassidy. The motion passed 5-0 with Ms. Green no longer present.

**12. A Violation Order issued to Jean Carlos Marques Raimundo and Aline DeOliveira Gomes Marques. The property address is 231 Lynnfield Street. The alleged work involves: 1) possible alteration to BVW, 2) alteration to buffer zone of BVW and alteration of outer riparian zone to Goldthwaite Brook. Soil stockpiles have been moved as far out of the buffer and as far from the resources as practicable. A weighted tarp has been placed on said soil pile. There is still some exposed soil in BVW, riverfront and buffer zones.**

**Motion** to withdraw the VO as made by Mr. Vivaldi. Seconded by Mrs. Harrop. The motion passed 5-0 with Ms. Green no longer present.

**MINOR PERMIT REQUESTS**

●**Minor Permit- Forest Street-Salem Country Club-** Fix stone wall along roadway (work approved on 9.18.24).

●**Minor Permit- 8 Alexandra Street-** sonotubes for deck install (work approved on 8.12.24)

●**Minor Permit- Spring Pond Road- Eagle Scout Project-** install bench and create nice viewing area (work approved on 9.10.24-The Mayor, Water Dept. and Forestry Dept. has also approved).

●**Minor Permit- Allied Waste Systems, Inc. Wood Recycling Transfer Station-** modifications to recycling transfer station. Determination on file confirms the detention

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basin in not jurisdictional. Work will be performed in an already paved area and is bordered by a concrete retaining wall that extends above grade. No erosion controls are necessary. (approved on 9.3.24)

**Motion** to approve the Minor Permits as made by Mrs. Harrop. Seconded by Mr. Cassidy. The motion passed 5-0 with Ms. Green no longer present.

**EMERGENCY CERT**

● **Emergency Certificate-** Beaver dam breaching- dam located off Crystal Drive/Bike Path. Work started 9.20.24 and ends on 10.19.24. The Health Department deemed it an emergency. **To be ratified.**

**Motion** to ratify the Emergency Certificate as made by Mr. Rizzo. Seconded by Mr. Lazares. The motion passed 5-0 with Ms. Green no longer present.

● **MINUTES- NONE**

● **Adjournment**

**Motion** to adjourn as made by Mr. Vivaldi. Seconded by Mrs. Harrop. The motion passed 5-0 with Ms. Green no longer present.

The meeting adjourned at 9:32 PM.

*Stewart Lazares*

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**Chairman Stewart Lazares**