



## City of Peabody Conservation Commission

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

### MINUTES

**NOVEMBER 9, 2022**

**YouTube link:** <https://www.youtube.com/watch?v=P2iXyH3nZR8>

The Peabody Conservation Commission hearings will be held remotely until March 31, 2023. 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 certain 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.

Individuals may participate remotely in the meeting via a remote participation platform called Zoom.

#### **MEMBERS PRESENT**

Vice Chairman Michael Rizzo  
Sec. Michael Vivaldi  
Bruce Comak  
Arthur Athas  
Amanda Green  
Alt. Ritamarie Cavicchio

#### **MEMBERS ABSENT**

Travis Wojcik  
Chairman Stewart Lazares

**1 alternate member opening**  
(forward resume to mayor's office  
if interested in being appointed)

**Also Present:** The Honorable Mayor Edward Bettencourt; Lucia DelNegro,  
Conservation Agent

VICE CHAIRMAN RIZZO CALLED THE MEETING TO ORDER at 7:05 PM

## **ENFORCEMENT ORDERS**

**1. A continued Enforcement Order issued to the Salem Country Club and Dan Mayer (Mayer Tree)- 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.**

**Summary:** The funds in the peer review account have been exhausted. **Discussion ensued** regarding replenishing the account for work done and future work needed. The club requested a breakdown for the future scope of anticipated work.

**Motion** to collect an additional \$8,502.50 for work done to date over original collected funds as made by Mr. Athas. Seconded by Mr. Vivaldi. Adopted unanimously 6-0.

**Motion** to collect an additional \$14,000.00 subject to change as made by Mr. Comak. Seconded by Mr. Vivaldi. Adopted unanimously 6-0.

**Motion** to have the Conservation Agent act on the commission's behalf and issue a fine to the Salem Country Club \$69,900.00 based on Chapter 32 Section 51 (233 trees x \$300) as made by Mr. Athas. Seconded by Mr. Vivaldi. The motion passed 5-1 with Ms. Green voting NO.

**Motion** to fine the Mayer Tree (Daniel Mayer) \$69,900.00 based on Chapter 32 Section 51 (233 trees x \$300) as made by Mr. Athas. Seconded by Mr. Vivaldi. The motion passed 5-1 with Ms. Green voting NO.

**Discussion ensued.** The woodchips have been removed. Staff will conduct a follow-up site visit to confirm.

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

## **NOTICES OF INTENT**

*Item taken out of order*

**2. A continued Public Hearing on a Notice of Intent submitted by Hancock Associates for Michael Larkin (40 Oak Street Development LLC). The proposed work is site improvements and redevelopment which includes a 40B housing project, paved vehicular and pedestrian access, landscaped areas, connections to municipal utility services and a stormwater management system. The property is known as 40 Oak Street, Map 95, Lot 89X, Peabody MA.**

**Present:** Joseph D. Peznola (Hancock Associates) and Michael Larkin (owner/applicant)

**Summary:** In the absence of the Chairman the consultant requested a continuance. They would also like the peer review and city engineer involved in the discussion next month.

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

### **ENFORCEMENT ORDER**

**3. A continued Amended Enforcement Order issued to Pedro Polini for work 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.**

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

**4. An Enforcement Order issued to Alfred Dimambro, Trustee (Regency Realty Trust) for work located at 11-13 Wallis Street. There are ongoing as well as historic violations on this property (illegal dumping (appliances etc.), stockpiling of various items in riverfront/flood plain, fill in FEMA flood plain, alteration of riverfront without permit and ongoing “use” as what appears to be a contractor’s yard.**

**Motion** to continue until the January 2023 hearing as made by Mr. Vivaldi. Seconded by Ms. Cavicchio. Adopted unanimously 6-0.

### **NOTICES OF INTENT continued**

**5. A continued Public Hearing on a Notice of Intent submitted by GZA GeoEnvironmental, Inc. (Dan Nitzsche) for Emmanuel and Rose Papanickolas (owners) and JD Raymond Transport, Inc. (Will Boyle-applicant). The proposed work is the construction of a stormwater infiltration basin partially within the buffer zone to a wetland resource. The property is known as 25 Farm Avenue, Map 69, Lot 006 and 007, Peabody MA.**

*Item was continued until December 14 at a previous meeting. No motion was necessary.*

**6. A continued Public Hearing on a Notice of Intent submitted by Hayes Engineering, Inc. (Anthony Capachietti) for Cy Tenney Residences, LLC (Arthur Pimental). The proposed work is the construction of a multi-family residential building with associated driveways, parking, access and utilities within buffer to BVW and IVW. The property is known as 190R Newbury Street, Map 35, Lot 38A, Peabody MA.**

**Present:** Attorney John Keilty

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Brief **discussion ensued**. The project is not ready for a vote. The plans are being revised.

Motion to continue as made by Ms. Green. Seconded by Ms. Cavicchio. Adopted unanimously 6-0.

### **CERTIFICATES OF COMPLIANCE**

**7. A continued request for a FULL Certificate of Compliance as made by Giovanni Fodera, PE on behalf of Mike Messak for DEP File No. 55-612. The project was the demolition of an existing building and the construction of a new structure. The address is known as 23 Central Street, Map 85, Lot 19x, Peabody MA. Partial CC has been issued.**

**Present:** Giovanni Fodera, PE and Attorney Keilty

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

**8. A request for a FULL Certificate of Compliance as made by Michael Gillis or DEP File No. 55-654. The project was a one-story addition to an existing single-family house. The address is known as 3 Lynnfield Street, Map 102, Lot 29, Peabody MA.**

**Present:** Michael Gillis

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

### **VIOLATION ORDER**

**9. A Violation Order issued to Idania Pena for alteration of local buffer zone (groundwork, retaining wall construction and an addition) to a single-family house. The property address is 37 Bowditch Street, Map 75, Lot 77, Peabody MA.**

*No motion was necessary.*

### **OTHER ITEMS**

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

**The meeting adjourned at 8:17 PM**

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

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**Vice Chairman Rizzo** (in the absence of Chairman Lazares)