



City of Peabody Conservation Commission

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

MINUTES

May 7, 2025

Link: <https://peabodytv.org/videos-on-demand/?vid=1497>

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 and further extended by H. 62 Remote Meeting Flexibility Extended through June 30, 2027 signed by Governor Maura Healey on March 28, 2025. The public may participate in this meeting remotely.

MEMBERS PRESENT

Vice Chairman Michael Rizzo
Sec. Michael Vivaldi
Bruce Comak
Brian Cassidy (arrived at 7:05)
Amanda Green
Arthur Athas

MEMBERS ABSENT

Chairman Stewart Lazares
Alternate Jamie Harrop

Also Present: Lucia DelNegro, Conservation Agent; Ward 2 City Councillor
Peter McGinn

VICE CHAIRMAN RIZZO CALLED THE MEETING TO ORDER at 7:01 PM

NOMINATION COMMITTEE

- **Commissioner Arthur Athas-** nominations for Chairman, Vice Chairman and Secretary

Motion to accept the nominations as made by Mr. Athas. Seconded by Mr. Rizzo. Adopted 5-0 with Mr. Cassidy not present yet).

NOTICE OF INTENT

1. A continued Public Hearing on a Notice of Intent submitted by John Keilty, Esquire for Saimir Zepaj (applicant/owner). The proposed project consists of the removal of the existing dwelling, pool, driveway and the construction of a multifamily house with utilities and driveway. The property is known as 20 Parsons Street, Map- 95, Lot-380, Peabody MA. (Meeting opened on 4.9.25)

Present: John R Keilty, Esquire (legal counsel) Christopher Mello (ELSAI)

Summary: The plan has been revised but has not been submitted electronically to the commission for review. The attorney explained what changed on the plan. Mr. Rizzo asked that they revise the existing condition plan to show a title block and a scale. The plans also need to show the existing trees over 6 inches in diameter. Mr. Mello stated he doesn't believe he needs to show any trees since they are not in the work zone. The commission still wants the trees to be located on the plan as discussed last month. Since the commission did not have a copy of the revised plan, the commission continued the item. The item was open to the public to speak. There were residents in the audience, but no one wished to speak most likely because the item was being continued.

Motion to continue to the June hearing as made by Mr. Vivaldi. Second by Ms. Green. Adopted unanimously 6-0.

2. A Public Hearing on a Notice of Intent submitted by LEC Environmental Consultants, Inc. (Nicole Ferrara) for Jean Carlos Marques Raimundo (owner). The proposed project consists of installation of above-ground pool, deck, retaining wall and work associated with site grading in the backyard. The property is known as 231 Lynnfield Street, Map- 100, Lot-106, Peabody MA.

Present: Nicole Ferrara (LEC Environmental Consultants, Inc.)

Summary: Ms. Ferrara shared her screen and gave a presentation for the proposed project (install deck, pool and stone balance retaining wall). The commission was somewhat supportive of the project. Mr. Vivaldi wanted to see some of the grassy area given back to nature. The applicant's consultant agreed to install a post and rail fence by flags 7, 8 and 9 to run parallel with the flags. Behind the post and rail fence will also be the proposed riverfront restoration area. Mr. Rizzo inquired about the proposed retaining wall. A new plan must be submitted to ConComm staff and approved before the issuance of an Order of Conditions. The new plan should be revised to show the following: post and rail fence, riverfront restoration area behind the fence and revise

wording of wall to state, “32-inch balanced stone wall” and not to read “retaining” wall anymore. LEC staff stated no soil would be brought on to the site in regard to the “retaining” wall. **Discussion** regarding the survivorship of plantings continued. There were no members of the public that wished to speak for or against the project. The board reminded the consultant about water drawdown for the pool.

Motion to the public hearing as made by Mr. Athas. Seconded by Mr. Vivaldi. Adopted unanimously 6-0.

Motion to issue a Standard Order of Conditions 1-50 adding the following condition: **51)** Post and Rail fence is to remain in perpetuity as part of the Restoration Plan mentioned above. 75% survivorship of plants is required before issuing a Certificate of Compliance. A Certificate of Compliance cannot be issued until said plantings have been installed. (Only straight native saplings will be installed (no landscape cultivars) as stated on page 13 of NOI narrative mentioned above). Hole excavation for plant install shall be twice as wide and twice as deep as the root ball. Invoice to be submitted at time of CC request or before if preferred. 75% survivorship required. The OOC **shall be held** until a revised plan as discussed has been submitted and approved by ConComm staff as made by Mr. Vivaldi. Seconded by Mr. Athas. Adopted unanimously 6-0.

REQUEST FOR DETERMINATION OF APPLICABILITY

3. Public Hearing on a Request for Determination of Applicability submitted by Barry Fogel, Esquire (legal counsel) for the Salem Country Club. The proposed project consists of the upgrade of the club’s irrigation system. The property is known as 133 Forest Street, Map- 59, Lot-81X, Peabody MA.

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

Summary: Attorney Fogel presented the project. They will work one hole at a time. No new material will be brought in, taken off site or disposed of anywhere on site. The trenches will be closed the day they are open. The risk of erosion into the wetlands is minimal. Work is proposed under the street. They will work with the Department of Public Services and the Planning Board to make sure Forest Street is not disrupted.

Discussion continued regarding trees being protected and standards for work under the street. The commission was not concerned with the project. However, they felt that erosion controls should be installed if any work is within twenty (20) feet of a wetland. There were no members of the public that wished to speak for or against the project.

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

Motion to issue Negative Determination with the following conditions: **1)** Conservation staff must be notified via email before work commences; **2)** Any work twenty (20) feet or closer to the wetlands must have erosion controls installed before any work commences as made by Mr. Athas. Seconded by Mr. Comak. Adopted unanimously 6-0.

Items 4 and 8 were discussed together

4. A continued Public Hearing on a Request for Determination of Applicability submitted by Joseph Vieira (owner/applicant). The proposed project is an after-the-fact filing for bringing in fill and altering the rear of the property. The cleanup will be conducted under a friendly Enforcement Order issued by the Commission. The property is known as 154 Goodale Street, Map 25, Lot 64, Peabody MA. First meeting date: 2.12.2025

See item 8 below for motion. Items 4 and 8 were discussed together.

8. A continued Enforcement Order issued to Joseph and Donna Vieira. The property address is 154 Goodale Street, Map 25, Lot 64. The alleged work involves: 1) alleged possible alteration to buffer zone of intermittent stream and buffer zone to BVW (adding truckloads of fill to change the grade, performing grading/alterations and stockpiling various items such as construction debris, gravel piles, concrete blocks, ladders, wood, tarps, trash barrels, sawhorse and a storage container). RDA has been submitted and is on the agenda as item 4.

Summary: The commission discussed having the property owner withdraw his open RDA application. There was a site visit on April 24 with the commission officers, city staff and the property owner. On this site visit it was mentioned that the RDA application should be withdrawn, and the work should continue under the Enforcement Order. The commission felt they needed to continue the item since Mr. Vieira was not present to formally withdraw the RDA.

Motion to continue the hearing for the RDA and the EO as made by Ms. Green. Seconded by Mr. Athas. Adopted unanimously 6-0.

CERTIFICATE OF COMPLIANCE

Commissioner Brian Cassidy recused himself from discussion.

5. A continued request for a FULL Certificate of Compliance as made by Williams & Sparages (Chris Sparages) on DEP File No. 55-934. The project was the construction of a single-family home. The address is f/k/a as 0 Pearl Street n/k/a 18 Pearl Street, Map 105, lot 85, Peabody MA. The Order of Conditions was issued on 2.28.24. First meeting date: 1.8.25 (with no discussion)

Present: Peter Blaisdell (Williams & Sparages)

Summary: The new owner, the contractor's consultant and their attorneys have been trying to resolve drainage issues on the property. The new owner, his attorney and his engineer were not present for discussion. Mr. Blaisdell shared plans for proposed work that could help the ponding and drainage issues on site. Since the new owner was not present the commission felt they should not vote on any changes to his property without his consent.

Motion to continue as made by Ms. Green. Seconded by Mr. Athas. Adopted unanimously 5-0 with Mr. Cassidy recusing himself from the discussion.

ENFORCEMENT ORDERS/VIOLATION ORDERS

6. 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

ITEM CONTINUED UNTIL THE JUNE 11 MEETING. NO MOTION NECESSARY.

7. A continued Enforcement Order issued to Haven Circle Cooperative Corp (John Hussey-President)- for the following activities: grading of land (possible fill and grade change per the jersey barriers noted on site and comparing topographic plans) and creating a stone dust parking/staging surface without filing a Notice of Intent. The property address is known as 33 Pine Street, Map 34, Lot 19, Peabody MA.

Summary: Mr. Hussey was not present. He has been having issues with his consultant. He is in the process of finding a new consultant to file an after-the-fact NOI.

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

MINOR PERMIT REQUESTS

•**Minor Permit-12 Chestnut Street- Proposed work was roofing to the existing building with staging and dumpster in the riverfront. (Approved on 4.8.25 with conditions that dumpster must be kept tidy and covered at night. Any debris that falls into the brook should be removed per OSHA standards.)**

Motion to approve/accept as made by Mr. Athas. Seconded by Mr. Cassidy. Adopted unanimously 6-0.

Discussion items and OTHER

•**USGS- New England Water Science Center- Jason Pollender- The USGS is looking to install a stream flow monitoring station (streamgage). USGS is working in collaboration with MA-DCR on this and other projects across the state. The North River or Proctor Brook was chosen as a high priority monitoring site, in part, because of the long history of flooding in Peabody. The USGS will attempt to provide real-time river streamflow in the area of Proctor Brook area Wallis and Caller streets. USGS is looking at the area around Wallis Street for the new station, before it goes underground. They have the capability to monitor the stream level with non-contact methods providing the equipment is high enough to remain above flood levels. USGS is seeking permission to install such equipment on existing infrastructure (bridges, walls, etc.) in the area. (see onedrive for more information).**

Motion to approve/accept as made by Mr. Athas. Seconded by Mr. Vivaldi. Adopted unanimously 6-0. (Mayor's office must approve before any work can commence).

● **Notice-Tennessee Gas Pipeline-Anomaly Remediation-the project is maintenance of an existing pipeline and does not enlarge the existing pipeline structure. (see onedrive for more information).**

No work is taking place in Peabody. Item was placed on the agenda in error. All work is within the town line of Danvers MA. No motion made or necessary.

● **MINUTES- 3/12/2025 (done)**

Motion to approve the minutes as made by Ms. Green. Seconded by Mr. Comak. Adopted unanimously 6-0.

OTHER ITEMS:

-**Commissioner Comak-Big Y** fence with welded wire on Lowell Street has been removed. Trash has been blowing off their lot and onto and into Crystal Lake property. Staff will try and figure out if the fence was a requirement from the City Council or some other board/commission.

● **Adjournment**

Motion to adjourn as made by Ms. Green. Seconded by Mr. Athas. Adopted unanimously 6-0.

The meeting adjourned at 8:52 PM

Chairman Stewart Lazares