



City of Peabody Conservation Commission

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

MINUTES

June 11, 2025

Link: <https://peabodytv.org/videos-on-demand/?vid=1544>

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

Chairman Stewart Lazares
Sec. Michael Vivaldi
Arthur Athas
Bruce Comak
Alternate Jamie Harrop

MEMBERS ABSENT

Vice Chairman Michael Rizzo
Brian Cassidy
Amanda Green

Also Present: Lucia DelNegro, Conservation Agent; Ward 2 City Councillor Peter McGinn; Ward 4 City Councillor Julie Daigle

CHAIRMAN LAZARES CALLED THE MEETING TO ORDER at 7:04 PM
(Commissioner Harrop had voting rights in the absence of three members).

DISCUSSION ITEM

●**A discussion request from Beth El Congregation Cemetery (David Ankeles, Esquire, David McKenna (groundskeeper) and Curt Bellavance (Community Development) -520 A Lowell St- Vegetation Management Plan.**

Present: Curt Bellavance (Director of Community Development) and Attorney David Ankeles (legal counsel for cemetery).

Summary: Mr. Bellavance introduced himself. He reminded the commission that the bike path is going through the cemetery's property. Brendan Callahan has left the city, and Curt is taking on the bike path projects. Curt is excited about this as he started bike path projects in the city of Peabody going back to the 90's. The commission has already voted on an Order of Conditions for this section of the bike path. They still are acquiring the Chapter 91 permit and other various permits necessary. A piece of the puzzle is also to secure easements at the cemetery. The cemetery inquired about the maintenance of their property. The Maintenance Plan is on the shared drive for the commission to review for approval. Vice Chairman Michael Rizzo and Bruce Comak both conducted a site visit together to determine if a formal permit was necessary for such maintenance work. Their notes have been shared on the onedrive for the commission to review as a whole. Attorney Ankeles thanked Curt, Mr. Comak and Mr. Rizzo for coordinating and pointing them in the right direction to get the Maintenance Agreement Plan approved appropriately. **Discussion ensued.** Commissioner Comak chimed in and stated the work falls under normal maintenance. **Discussion** continued regarding PMLP trench work and a drainage trench and continued mowing etc. All work is within buffer zones, but it seems to fall under maintenance. The temple is being overly cautious and wanted to make sure all work was approved before conducting said maintenance work. Although the item was not a public hearing, the chairman still opened it to members of the public for comment. There were no comments from the public. Commissioner Michael Vivaldi has some questions about the easements the city will take over on the property (for the bike path). **Discussion continued** regarding the PMLP work necessary on site. There were still no members of the public that wished to comment. **Discussion continued** amongst the board about a formal RDA filing versus memorializing the Maintenance Agreement submitted for review. No new work is proposed. It is maintenance work only. The board felt that it could be memorialized as such. No formal permit is necessary at this time.

Motion to formalize the cemetery maintenance plan submitted with the stipulation that all work must be done as stated in memorandums from Vice Chairman Michael Rizzo and Commissioner Comak as made by Mr. Vivaldi. Seconded by Mr. Athas. Adopted unanimously. **MOTION CARRIES 5 TO 0.**

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.

Present: Attorney John R Keilty

Summary: The plan has been revised. There were abutters in the audience. Attorney Keilty stated the project does not need to go to the Zoning Board of Appeals.

Discussion continued about a possible peer review regarding riverfront performance standards, BVW and FEMA flood plain. The item was open to the public.

Marybeth Mallia, 27 Parsons Street

MRS MALLIA: My only concern is we are going from one house. In their application they say construction of a multi-family house. It is not one house it is two houses. They are going to subdivide and put two houses. This is two multifamily houses. It is a big difference going from one unit house to this size. I am very concerned about that.

Discussion continued regarding the multifamily house aspect of the project and retaining walls and grade change. Mr. Mello stated the drainage patterns will not change. He does not anticipate flooding on the street. The neighbors would prefer one house with multiple units.

Eddie Pereira 23 Parsons Street

MR. PERREIRA: My concern with the whole project if you look next door, it is a mess. I would say the same thing on the other side. There are all kinds of rats down there as it is. With them moving the earth it is just going to be more rats that they are going to disburse. I know they are trying to maximize what they have there by putting two houses there. It is overkill for two houses to be there. There is bad parking as it is on this street. It is a dead-end street. Adding four more families, it is going to be crazy in that neighborhood.

Discussion ensued about the rats and the integrated pest management plan that the health department typically requires.

Councillor Peter McGinn

CLLR MCGINN: I watched the April conservation meeting where this item was first on the agenda. I was invited to attend the site visit with the commission on April 14. I also watched the May meeting where the revised plans were not properly received. I guess that brings us to tonight. I heard concerns from the neighbors at that April meeting, at the site meeting and again tonight on density and rodents. I certainly understand that not all of these come under the jurisdiction of the conservation commission. There are some zoning issues here that are not under your purview shall we say. I would say that it sounds to me like Commissioner Rizzo had some rationale. He mentioned both at the April meeting and site visit why the density of the plan might not be permissible from a conservation perspective. He is not here tonight. I think the neighbors have some legitimate concerns. To the extent there might be a means by which the commission does have some jurisdiction. I think Lucia may have just alluded to the riparian area. I don't know if the revised plan where the second proposed dwelling is slightly smaller. If that would satisfy what Rizzo was alluding to.

Discussion continued. The councillor felt it would be best to continue the item for input from Mr. Rizzo.

Motion to continue as made by Mr. Vivaldi. Seconded by Mrs. Harrop. Adopted unanimously 5-0.

REQUEST FOR DETERMINATION OF APPLICABILITY

Items 2 and 9 were discussed together.

2. 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

Item 9 taken out of order to be discussed with item 2 above

9. 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.

Present: Joseph Vieira (owner)

Summary: Mr. Vieira removed soil as instructed. He has placed hydroseed and has continued watering it. He has done all the work the board has requested. The root flares of some trees have been dug out as instructed. There was a discussion about possible trespassing. That will be taken care of civilly between the two property owners. The ConComm has no jurisdiction regarding trespassing. It is a civil matter and should be handled by the appropriate parties. The commission felt that the Enforcement Order was the proper permit for the work at the property. Mr. Vieira agreed to allow the RDA to be withdrawn. Work will continue under the existing EO. No public comments. The RDA will be withdrawn. Work will proceed under the EO. Staff will work with the property owner to make sure the site is brought to compliance. The item will be heard again at the September 10 meeting.

Motion to allow the RDA to be withdrawn and continue work under the existing Enforcement Order. The item will be continued to the September hearing as made by Mr. Athas. Seconded by Mrs. Harrop. Adopted unanimously 5-0.

3. A Public Hearing on a Request for Determination of Applicability submitted by Marchionda & Associates, LP (Craig Marchionda) for Phil Franciosa (applicant). The property owner is Wesley Merrill & K.N. Stabile. The proposed project consists of preparing the site to construct a single-family house. The dwelling will be located outside of the 100-foot buffer zone. However, there is tree removal and

the creation of lawn area is within the buffer zone. The property is known as 48 Pulaski Street, Map- 53, Lot-43, Peabody MA. First meeting date: 6.11.25

Present: Phil Franciosa and Samantha (potential owners) and Craig Marchionda (Marchionda & Associates, LP)

Summary: The proposed dwelling is just outside of the 100-foot buffer zone. A small portion of the deck and creation of lawn area is within the buffer zone and that is why they filed an RDA. **Discussion continued.** There were no members of the public that wished to comment on the project.

Motion to close the public hearing as made by **Mr. Athas. Seconded by Mr. Comak. Adopted unanimously 5-0.**

Motion to issue a Negative Determination with the following conditions: 1- Erosion controls must be inspected by staff before work commences; 2- If dewatering is needed a "dewatering detail" must be approved by ConComm staff; 3- Post and Rail fence shall remain in perpetuity. Fence will act as a no cut zone. (any work proposed behind said fence will require a wetland permit); 4- As-Built Plan is required after work is complete. Submit to ConComm staff as made by Mr. Vivaldi. Seconded by Mrs. Harrop. Adopted unanimously 5-0.

4. A Public Hearing on a Request for Determination of Applicability submitted by Engineering Alliance, Inc. (Rick Salvo) for Group 1 Automotive (applicant). The property owner is John Zillioux. The proposed project consists of a single-story addition (26'x90') to the rear of the existing building (slab on grade) on top of an existing parking area. The property is known as 252 Andover Street, Map- 39, Lot-25C, Peabody MA. First meeting date: 6.11.25

Present: John R Keilty Esquire (legal counsel) and Rick Salvo (Engineering Alliance)

Summary: The abutters were not notified properly. The item will need to be continued so all the abutters will be notified per the law. The item was never open, and no discussion was made.

Motion to continue to the July meeting hearing as made by Mr. Athas. Seconded by Mr. Comak. Adopted unanimously 5-0.

CERTIFICATE OF COMPLIANCE

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

Present: Chris Sparages (Williams Sparages-engineer for builder/applicant), Attorney Robert Peterson (legal counsel for new owner) and Paul Barasso (new owner)

Summary: Both parties are trying to work things out. Both parties requested a continuation of the matter. Attorney Peterson spoke briefly. The retaining wall was never constructed. The developer did not feel that the wall was necessary. However, there is significant stormwater runoff causing issues on the property. The two engineers are working together to revise the plan so that the yard is not underwater and the driveway is not constantly covered in mud. The No Disturb markers may need to move. The attorney shared the plan of the site. He tried to share pictures but had technical issues.

Discussion ensued.

Motion to continue to July hearing as made by Mr. Vivaldi. Seconded by Mrs. Harrop. Adopted unanimously 5-0.

6. A request for a Certificate of Compliance as made by John Keilty, Esquire on DEP File No. 55-718. This was an Order of Resource Area Delineation for the property known as 532 Lowell Street, Map 35, Lot 27 & 28. The ORAD expired on 4.23.2012. It is being requested to clear a title and for admin purposes. First meeting date: 6.11.25

Present: John R Keilty (legal counsel)

Summary: The property is being sold, and the closing attorney is requesting a Certificate of Compliance. It is an odd request because ORAD's are not supposed to be recorded at the Registry. It appears this one may have been recorded erroneously. The request is for admin purposes. Any future work will require a new ANRAD or NOI. The future buyer will have to have the wetlands delineated and file for new proposed work.

Motion to issue a Certificate of Compliance checking off the ORAD box as made by Mr. Vivaldi. Seconded by Mrs. Harrop. Adopted unanimously 5-0.

ENFORCEMENT ORDERS/VIOLATION ORDERS

7. 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

Summary: There is a site visit on Monday June 16. There is nothing to report at this time.

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

8. 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.

Present: John Hussey (president of Co-Op)

Summary: Mr. Hussey stated the entire situation was a big misunderstanding. The NOI was incorrect. At this point the Co-Op would prefer to restore the property back to its original condition. If any restoration will occur an Amended Enforcement Order with Action Items must be issued prior to said work starting. Ms. DelNegro suggested that the property owner hire a contractor to submit a scope of work for the commission to review before work can start. Then the commission and/or staff would decide on revised Action Items. **Discussion continued.** Mr. Hussey stated he would have a landscaper submit a written proposal for the work they plan to do. The commission will need to approve the submittal before any work can commence. The commission will need to approve it at a meeting.

Motion to continue to the September hearing as made by Mr. Vivaldi. Seconded by Mrs. Harrop. Adopted unanimously 5-0.

MINOR PERMIT REQUESTS/EXEMPTION

● **Minor Permit-1 Railroad Avenue-Proposed work is the installation of a freestanding sign in FEMA Flood Plain. (ConComm to vote-no approval to date)**

Present: John R Keilty (legal counsel)

Motion to approve/accept as made by Mr. Comak. Seconded by Mr. Vivaldi. Adopted unanimously 5-0.

● **Minor Permit-190R Newbury/ Pine Street area- Proposed work is utility work (12" water main install) within Pine Street at the request of the city's DPS department. Per 310CMR10.02(2)2i this work is considered minor as long they follow the regulations. Erosion controls must be installed prior to work and trenches must be closed at the end of the day. (Approved by ConComm staff on 4.28.25; awaiting approval from DPS)**

Motion to approve/accept as made by Mr. Athas. Seconded by Mrs. Harrop. Adopted unanimously 5-0.

● **Exemption Letter Notice- 5 Allens Lane – 4 Test pits/percolation tests are an exempt activity per 310CMR10.02(2)b)2(g). (Approved by staff on 5.27.25)**

Motion to approve/accept as made by Mr. Athas. Seconded by Mr. Vivaldi. Adopted unanimously 5-0.

TREE REQUESTS – (TBR= to Be Removed)

● **9 Nancy Avenue-Johana Ochoa-Edin & Sons Landscaping-4 dangerous trees TBR-approved by ConComm staff on 4.30.25 with conditions.**

Motion to approve/accept as made by Mr. Athas. Seconded by Mrs. Harrop. Adopted unanimously 5-0.

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• **MINUTES- 4/9/2025**

Motion to approve the April minutes as made by Mrs. Harrop. Seconded by Mr. Athas. Adopted unanimously 5-0.

• **Adjournment**

Motion to close the public hearing and adjourn as made by Mr. Athas. Seconded by Mrs. Harrop. Adopted unanimously 5-0.

The meeting adjourned at 9:42 PM

Acting Chairman Michael Rizzo