



City of Peabody Conservation Commission

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

MINUTES

June 12, 2024

Link: <https://peabodytv.org/videos-on-demand/?vid=1266>

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
Bruce Comak
Alternate Brian Cassidy
Alternate Jamie Harrop

MEMBERS ABSENT

Ritamarie Cavicchio
Amanda Green

Also Present: Lucia DelNegro, Conservation Agent; Brendan Callahan,
Assistant Director of Planning

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

Alternate members had voting rights

NOMINATION CANDIDATES:

- Chairman- Stewart Lazares
- Vice Chairman- Michael Rizzo
- Secretary- Michael Vivaldi

Motion to accept nominations as made by Mr. Athas. Seconded by Mr. Comak. Adopted unanimously 7-0. The new commission officers are listed above.

EXTENSION REQUESTS

1. Request for an Extension Permit on DEP File No. 55-829. The request is being made by SOLitude on behalf of Cedar Pond Village Condominiums. The project is aquatic maintenance and ecological restoration at waterbodies located at the condominium complex. The Order expires on August 17, 2024.

Present: Tanner Poole (SOLitude)

Summary: Tanner gave an update on the program at this location. The commission will allow maintenance projects of this type a three extension. Vice Chairman Rizzo requested annual reports on how the year went going forward.

Motion to extend 3 years as made by Mr. Athas. Seconded by Mr. Rizzo. Adopted unanimously 7-0.

2. Request for an Extension Permit on DEP File No. 55-839. The request is being made by SOLitude on behalf of Huntington Woods Condominiums. The project is aquatic maintenance and ecological restoration at waterbodies located at the condominium complex. The Order expires on August 22, 2024.

Present: Tanner Poole (SOLitude)

Summary: Tanner gave an update on the program at this location. The commission will allow maintenance projects of this type a three extension. Vice Chairman Rizzo requested annual reports on how the year went going forward.

Motion to extend 3 years as made by Mr. Rizzo. Seconded by Mr. Comak. Adopted unanimously 7-0.

CERTIFICATES OF COMPLIANCE

3. A continued request for a FULL Certificate of Compliance as made by Attorney David Ankeles for Anibel Fariaon DEP File No. 55-340. The project was additional paving service to a pre-existing residential structure since converted to commercial use. The address is known as 1 Mount Pleasant Drive, Map 29, Lot 007, Peabody MA. The Order of Conditions expired on 6/3/1996.

Present: David Ankeles, Esquire (legal counsel)

Summary: The grass has grown in. Attorney Ankeles requested the issuance of the Full Certificate and the withdrawal of the Enforcement Order. Vice Chairman Rizzo asked for a sign to be installed behind the fence. The new sign must state No Snow Storage. Attorney Ankeles agreed. He felt the post and rail fence would do the job but would absolutely agree to another sign install.

Motion to issue a Full Certificate of Compliance for DEP File No. 55- 340 as made by Mr. Rizzo. Seconded by Ms. Harrop. Adopted unanimously 7-0.

Items 11 taken out of order

11. A continued Enforcement Order issued to Anibal and Virginia Faria (sellers) and Valerie Batsinelas (new owner as Trustee of the Mount Pleasant Revocable Trust) for the following activity: Creating a parking lot seven feet closer to the wetlands than approved in Order of Conditions DEP File No. 55-340. The property is known as 1 Mount Pleasant Street, Map29, Lot 7, Peabody MA.

Summary: The erosion controls will remain in place until the commission feels they can safely be removed.

Motion to withdraw the EO as long as the erosion controls are left in place as made by Mr. Rizzo. Seconded by Mr. Comak. Adopted unanimously 7-0.

4. A continued request for a PARTIAL Certificate of Compliance as made by Peter Ogren (Hayes Engineering, Inc.) for Seven Dearborn Limited Partnership DEP File No. 55-861. The project was a 180-unit apartment building, parking lot with associated drainage and stormwater systems. The address is known as 7 Dearborn Road, Map 78, Lot 19, Peabody MA. The Order of Conditions expired on 1/21/2024 after being tolled.

Motion to continue as made by Mr. Rizzo. Seconded by Mr. Cassidy. Adopted unanimously 7-0.

NOTICE OF INTENTS

5. A continued 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.

Summary: The applicant is in the process of revising the plan. Their attorney requested a continuance. The project will need to go back to Planning Board. It needs to be approved at the Planning Board and then will return to ConComm in July. There was a group of neighbors present and wanted it to reflect in the minutes (Diane Dyer of 11 Carell Road and the owner of 13 Carell Road). They are concerned with drainage.

Motion to continue as made by Mr. Athas. Seconded by Mr. Comak. Adopted unanimously 7-0.

7. A continued Public Hearing on a Notice of Intent submitted by Green International Affiliates, Inc. (Danielle Spicer) for the City of Peabody (Brendan Callahan). The project proposes to extend the existing Independence Greenway from its eastern terminus at Essex Center Drive to Endicott Street for a total project length of approximately 1.3 miles. The work area is located along a former railroad right-of -way. The property is known as Former B&M railroad easement, Northshore Road, Essex Center Drive, Endicott Stret, Map N/A , Lot N/A, Peabody MA.

Present: Brendan Callahan (Assistant Director of Planning) and Danielle Spicer (Green International Affiliates, Inc.)

Summary: Ms. Spicer opened the hearing with a project description. The commission has reviewed the DEP comments and other MEPA comments. Ms. Spicer stated they have responded to all the comments and the commission should have those comments for their review. There was a zoom meeting with MASSDEP, city staff, consultants for project, EEA and MASSDOT. They felt they have revised the project accordingly. She mentioned the Water Quality Certification (WQC) process. Danielle went over the project changes that were requested by DEP in their technical deficiency letter via WQC. The wetland replication area will be revised to a more appropriate area. There will be an access point, and they will use timber mats for ingress/egress. Only a few trees will be removed from the area. They have also reduced the rip rap at culvert one. They have covered some of the rip rap to mirror a natural streambed. **Discussion** moved to the helical piles. There was a hydraulic study done. The helical piles will remain as part of the project. They are not concerned with the rise of the base flood elevation of Proctor Brook. **Discussion ensued** regarding the boardwalk, FEMA Flood Plain and the helical piles versus a large span bridge. The consultant did not feel that further stormwater features or any further changes to the compensatory flood storage were necessary. Three figures from the original NOI submittal have been revised. **Discussion** of the revised plans, timber boardwalk, the rip rap and compost ensued. Mr. Callahan stated he was hoping for a vote tonight and stated that he believed DEP's comments have been addressed. No members of the public wished to speak for or against the project.

Motion to close the public hearing as made by Mr. Rizzo. Seconded by Mr. Vivaldi. Adopted unanimously 7-0.

Motion to issue a standard Order of Conditions 1-50 adding the following special conditions: **51)** A Pre-construction meeting must take place before work can commence. The meeting shall include: the Conservation Agent, City Planning staff, the chosen contractor General Manager, commission members and other city staff as needed. A construction sequence and phasing schedule must be presented at this meeting; **52)** Reports should be emailed to Conservation staff either on a monthly/quarterly or milestone basis. A monthly report is not necessary if no work has commenced. The commission needs to be kept up to date with each phase/milestone of said work. At minimum quarterly reports are due on the FIRST week of: January/April/ June/September once the project starts **and adding the following checklists:** Checklist D –Proctor Brook - Channel/Culvert, Checklist J – Dewatering, Checklist K – Projects Which Alter Bordering Land Subject to Flooding (BLSF), Checklist L – Projects

Which Alter Bordering Vegetated Wetlands (BVWs) as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 7-0.

6. 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 property is known as 24 ½ North Central Street, Map 64, Lot 28, Peabody MA.

Present: William Manuell (Wetlands & Land Management, Inc.)

Summary: The project has been in peer review. DEP has also added Technical Comments to the NOI portal:

"The project cannot be approved as proposed. Filling BVW for the development of a condo unit, deck, yard, riprap slope and retaining wall to support fill cannot be approved as it does not meet the performance standards in 310 CMR 10.55(4). MassDEP disagrees this is a finger-like projection (310 CMR 10.55(4)(c)). In the exercise of discretion, the PCC must consider the magnitude of the alteration and the significance of the project site to the interests of the WPA, the extent to which adverse impacts can be avoided, extent to which adverse impacts are minimized, and the extent to which mitigation measures are provided to contribute to the protection of the interests. The proponent has not submitted an alternatives analysis. Additionally, the alternative would be to eliminate the 3rd unit, retaining wall, riprap slope and driveway, and pull back the drain line."

The project has since been reduced to a duplex of two units only. There will not be parking in the rear anymore. Parking has been changed to the front of the unit. They are no longer filling in wetlands. All work is proposed in buffer zone and local riverfront. A retaining wall will be constructed at the edge of the wetlands. Stormwater features that are proposed are a trench drain along the street, a water quality inlet on the side of lot and an infiltration bed in the rear. Since there are only two units, they are not required to meet stormwater standards. **Discussion continued** regarding the stormwater features. Mr. Rizzo felt that the site was too tight. He felt there was a constructability concern with the current plans. The water quality inlet was too close to the abutter's property line. It was less than two feet from the lot line, and he felt that sheet piles would be necessary. If sheet piles are needed, they should be shown as a detail on a revised plan. The landscape plan is also confusing. It shows trees on top of the water quality inlet. The current plan needs a dewatering detail, swale detail and revised erosion controls to show double up or larger circumference and maybe a silt fence. Mr. Rizzo also thinks there was an issue with the infiltration bed. He thinks as it is shown on the plan it will be sticking up out of the ground. The detail will need to be revised as well. **Discussion ensued** regarding the items Mr. Rizzo brought up. Mr. Vivaldi also felt that the landscape plan looked nice but might not work in the rear world. A member of the commission felt that the O&M plan might be difficult for a property owner to maintain. It seemed more appropriate for a commercial building. The ConComm was concerned that the stormwater features would not be maintained. The agent was not aware if the item would go back to peer review. The applicant was against it going back to the peer

reviewer. At a minimum, DPS should review the plan and submit a memo to the ConComm. The plan will still need to be revised to incorporate the issues brought up by board members. Ms. DeNegro asked about the wall construction near flags A 3 and A2. The wall will be built with modular blocks. They should be able to do the work from the upland side. **Discussion ensued** regarding the wall construction and not allowing heavy machinery in the area of the underground stormwater chambers. The item was open to members of the public.

Paul Stevens, 24 North Central Street

MR STEVENS: Our problem is these three properties. 24, 24A and 24.5 (North Central St) there has always just been water. Next to me (22 North Central St) is two feet higher than me. They were allowed to build, water flows into my yard. Next to 26, the property over there was allowed to build a large parking lot in the back which was all fill. They were allowed to build up. Pushing all of that water into the backside of 26 and to the backside of 24.5. That is the water we are dealing with. We are in a bowl. It seems like every time somebody wants to build the buck just gets passed to the other people instead of dealing with the water problem. Things I am looking at which are kind of eye candy but not really doable. We have the leaching system you are calling it a recharging bed. All the water is going into a recharging bed. As we know, a drop of water goes to the lowest point. That lowest point of the property is right there at 24A. you are not going to be able to stop all of that water that is collecting from flowing right to the neighbor's property. It might be the backside of the retaining wall, but it is still going to be as close to the neighbor as possible. This recharging is good for slowing water rates, letting it naturally do what it is supposed to do. That only works one way. That being in the buffer zone, we had a really bad year right now and I would argue that the ground isn't saturated over there. It is super saturated. Even now you could walk on it, and you are going to squeeze water out of the lawn. The only way for that water to dissipate is as everything starts to dry up it will recede to the back of the yard. If we keep getting rain and the water comes forward towards the properties, there is no way for that recharging station to participate in the buffer. It is only a one-way valve. They don't have dimensions of how much into the buffer they have raised up. Quick math, six hundred and fifty square feet (650) they are taking out of the buffer zone from participating in natural process. They are a great system in the back of large parking lots. They work good but once again they are a one-way valve. The test holes; we have water levels from the driest portion of the year 2023, I believe it was August 8th 2023. This year, if you test the water rate now and it is going to be far higher than that (at the 57.3 mark). Far higher. Three quarters of the year we are going to be dealing with water issues. All of the samples they are taking were at the driest point of the year. You would think that when they test the water they would test during the worst possible scenario versus the best possible scenario. On the retaining wall on the plans, it is showing that it is 4.3 feet. I think we kind of discussed that. It will be about three feet. On page two of the plan where it is describing the retaining wall, there is a portion of the retaining wall that shows a four-inch diameter drain outlet. At end of wall or at forty feet center max. Is that part of the leaching system? Is that an overflow valve? Is that a relief for the backside of the wall? So, there is no extra water pressure on the backside of the wall? The main question is where is that being directed? If that is part of the recharging bed it is going to act as an open drain. Especially if the water levels are too high and those underground tanks fill up. That is going to be an open drain. By the looks of the plan, how they have it described it looks like it is going to be pointing right at 24A's property. That can be

clarified with a different angle of the drawing. The recharging bed itself, it is going to leach straight down. Like I said, waters are really high, it is not going to leach down as fast as everybody is hoping. It is time release and the amount of water that is going to collect in there is going to fill those tanks up pretty fast. If those tanks fill up say even six inches higher, on the plans of the left side of the property where the wall ends (I am assuming that is a portion of the wall) goes right into the swale. That portion right where they are adjoining that is going to be pressure release valve. As much water is going to flow out of that as possible and once it starts eroding it is not going to stop eroding. It will compromise that entire side of the yard. I am more concerned about taking the buffer zone out of the equation. The grass on top, the water is going to go into crushed rock. There is not really going to be evaporation. Bill already alluded to the current grass back there. They are going to let it turn into a swamp. Like a full-blown swamp. Once that happens you are going to get shade on the grass and cutting down on evaporation. It will grow cattails that really are designed to keep the water on the ground instead of evaporating. That is going to further push and expand the swamp into everybody else's property. By allowing one property to neglect their property you will be destroying abutting neighbor's properties. On that note, I think I gave my input, and I thank you for your time.

Kim and James Bates, 24 A North Central Street

MRS BATES: We concur with our neighbor (Mr. Stevens). We all (inaudible) and we can't walk on it. It floats and does all kinds of stuff. Even up to where the back wall, where they are going to put the retaining wall, you can walk out sometimes to the back of that person's house, and it would be wet. When they go to do this digging and all this stuff, I think they will be fighting some saturation. Depending on the time of construction. We deal with water coming down our driveway and make sure that is not flooding our garage. We have a garage in the back of the house. Anything like that is very concerning to us as far as water. We all do fight the water back here so that is all I wanted to add. I do concur with my neighbor. I appreciate your time and effort. What they are trying to do, I do appreciate. That is all I can really say.

MR MANUELL: I wanted to take a minute to address some of those comments before we move on. I wanted to alert Mrs. Bates that there is going to be a retaining wall along this side of the property line here that is going to prevent water going in your direction. That is what the purpose of this swale is here. To pick up any water and make sure it gets run to the back of the property. With respect to Mr. Stevens comments, some of it I had a hard time following. I want to point out to you that the recharge area and the water quality inlet and such, they do reduce the peak flow. Not by a whole lot. They do reduce the volumes. Not by a whole lot. There is less peak flow and less water runoff from the site in the post development conditions because of this recharge bed. It is not required for a two unit building but it is something that the applicant and the engineers felt was going to be necessary. To give neighbors a comfort factor that this isn't something that was jammed in there with no regard to the current conditions that are there. We are aware that the backyard is wet. I flagged it as wetlands and the commission agreed with it. We are staying out of it, and we are working in the adjacent buffer zone. We are allowed to do that work. We do need to come to the commission for some oversight and appropriate conditions. We are working as hard as we can to satisfy everybody. I think it is a decent plan. We are going to give it a few tweaks. We will comeback next month.

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Mr. Stevens clarified his statement about the one-way valve in the recharge. **Discussion ensued.** No other members of the public wished to speak.

Motion to continue as made by Mr. Athas. Seconded by Mr. Vivaldi. Adopted 5-0 with the alternates not voting.

8. 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.

Motion to continue as made by Mr. Rizzo. Seconded by Mr. Vivaldi. Adopted 5-0 with the alternates not voting.

9. 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.

Summary: Item is still in peer review. No revisions have been made to said plans since the peer review documents were submitted to the ConComm and applicant's engineer.

Motion to continue as made by Mr. Vivaldi. Seconded by Mr. Cassidy. Adopted unanimously 7-0

10. A Public Hearing on a Notice of Intent submitted by Hayes Engineering, Inc. (Peter Ogren) for Tan-Rite Realty LLC (Nicholas Ambeliotis-applicant/owner). The proposed project is the redevelopment of property to accommodate 40B mixed use development with two buildings, associated walkways, utilities, drives, parking areas, stormwater and flood management BMPs, landscaping and other amenities. The property is known as 39 Wallis Street, Map 85, Lots 09, 10 and 11, Peabody MA.

Present: Attorney Jason Panos

Summary: Attorney Panos gave a brief presentation. It is a 40B application (Comprehensive Permit). It has already undergone an extensive peer review during the ZBA process. The local wetlands ordinance is not triggered. The applicant's engineer was not able to attend. They still wanted to open the hearing in case members of the public had feedback or comments. There were no members of the public that wished to speak for or against the project. A full presentation will take place at the next hearing.

Motion to continue as made by Mr. Athas. Seconded by Mr. Vivaldi. Adopted unanimously 7-0.

ENFORCEMENT ORDERS/VIOLATION ORDERS

12. 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.

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

Summary: The escrow account no longer has enough funds to pay the city peer review consultant, DeRosa Environmental Consulting Inc. The Chairman inquired if funds would be deposited soon so the city can continue the review.

ATTNY FOGEL: We have had many communications with you about this. We had a couple of proposals from DeRosa submitted that we thought were not only excessive but unnecessary. The club's view is that the commission has ample familiarity with the restoration plan. With the conditions on the golf course. With the information that we have submitted in a format that you are familiar with. They don't believe that there is any need any longer for any peer review. No information has been provided to suggest that there is any amount that would be a reasonable fee for that. The last letter you got from DeRosa Environmental confirmed their view that the club was in compliance with all but two items. The last report that was submitted last month included the information that they recommended be provided. Salem Country Club believes going forward at this point it is a monitoring program on an annual basis. Given the substantial amount of money, quite excessive frankly, that was charged by DeRosa Environmental for prior work, they believe there is no need, and it would be inappropriate to ask them to do that any further. You have many members of the commission that are familiar with the conditions. You have been out there, and you can read the reports and keep track of what's going on.

Discussion ensued. The chairman commented on the invasive species along the pond bank. He was upset that 10% of the trees have died. He felt it is imperative that the DeRosa Team stay on as the ConComm's consultant. He reminded the club that what they did was illegal. **Discussion continued** about the consultant fees and the restoration.

ATTY FOGEL: We have a certified arborist and licensed forester, Tom Miles. He inspects the trees and gives the club advice on how to maintain them and how to monitor the twenty trees that are regrowing substantially in those areas. I am not sure what you are speaking of in terms of invasives on the bank of the pond. The irrigation pond, that area has been converted from when there was sod there. In accordance with the proposed plan, shrubs were planted. It has grown back and has very robust vegetation that stabilizes the bank and creates a barrier and provides habitat for wildlife. This was a very detailed effort being effectively monitored and managed by the club. DeRosa Environmental frankly was doing nothing different than and not adding any value to what the licensed forester/certified arborist is doing with the club. It was just adding insult to injury to add additional costs beyond the \$35,000 that they billed. Which we found to be excessive but paid it. It was frankly conveniently every time they gave us a scope with a cost estimate, they billed to the estimate. The most offensive piece of that

most recently was the last time there was a meeting that they attended, they billed three and a half hours preparing for a thirty-minute discussion for two people. Hard pressed to understand what they were doing for three and a half hours. It just happened to reach the budget that they sent in for that task. There was never any instance where they came in under budget.

MR VIVALDI: Mr. Fogel, DeRosa is protecting the conservation commission and the city. The Salem Country Club hires you and the arborist. We hired DeRosa and they are protecting our interests. For you to say that there is no need for DeRosa is doesn't make sense for you to say that. We need assistance and we need our consultant. The country club is the violator, and they are the ones that need to be responsible to go through this entire process.

Discussion ensued. Chairman Lazares chimed in and stated that DeRosa should be monitoring the plan for five years. The discussion went back and forth. The commission wants to retain the DeRosa Team, and they feel the club should continue to pay the fees associated with the review. They reminded the club that they were in violation of wetlands laws. Attorney Fogel feels they are no longer needed. Attorney Fogel feels an arborist would be more appropriate at this stage. He stated the club has an arborist, but the commission reminded him that he works for the club. The ConComm feels they still need a consultant on their side of the table to follow the restoration progress to the end date and the return to compliance. No one suggested anyone was fabricating memos.

Discussion continued regarding what consultant's charge for services and tree survivorship. Attorney Fogel agreed to fund the ConComm to hire a certified arborist as a consultant with a "reasonable" quote. **Discussion continued** about what reasonable means. **Discussion continued** regarding replacing the trees that have died. The next planting season starts in September.

ATTY FOGEL: If you have a quote from a certified arborist or forester that you want to have come look as opposed to two of you or one of you or whoever has been out there several times, looking at these trees and questioning Tom Miles (the arborist), let's talk about that. The club is looking to keep providing you with information so that you know that the replication program is being implemented. That is the goal.

MR RIZZO: That person needs to be able to follow that in place restoration plan and the requirements that go along with the review.

Discussion continued regarding conditions J and K not being in compliance with the EO. The commission still feels they need their own independent consultant reviewing the restoration project. Attorney Fogel feels the work only requires about two hours (one hour in field and one hour on computer to write a report). He also stated that arborists only charge about \$75-100 an hour. He feels that the field work, paperwork and attending a meeting should only come to about \$300. Attorney Fogel requested a quote from various arborists. Ms. DeNegro and Mr. Comak will obtain a minimum of three quotes from arborists. It again went back and forth about what consultants may or may not charge for said services. Mr. Comak was insulted that Attorney Fogel thinks the fee will be so low for said work. Mr. Comak also did not agree that it would only take an hour in the field to review said plantings. Ms. DeNegro will discuss using city funds for the next DeRosa review with the mayor. Once it is confirmed that city funds can be used

DeRosa will need to finish their next review hopefully in time for the July 31 hearing. Attorney Fogel continued to complain that the DeRosa team was giving them reports too late to review for upcoming meetings. He felt since they were paying the bill they should have had a more reasonable window to review said documents.

ATTNY FOGEL: If you are asking at this point for a peer review for specific services to arborists or forestry evaluation of the trees; that makes sense. That is something I think I can recommend for Bill Rocco to accept. I don't know exactly what their hourly rates are going to be. I am not suggesting Mr. Comak that it will be \$200. I am saying it is several hundred dollars, not several thousand. That is the main point. It is an order of magnitude issue.

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

MINOR PERMITS TREES AND OTHER

- **Minor Permit Request: 6 Rutledge Road- old deck rotting replace existing deck frame, install seven sono-tubes (one day earthwork/digging) and add new frame, rails and deck flooring. (Work approved on 4.18.24)**
- **Minor Permit Request: 28 Whitney Drive- second story addition and work on existing three-season porch. No stockpiling or staging is allowed in the rear yard. (Work approved on 5.9.24)**
- **Minor Permit Request: 23 Andover Street-sonotubes for handicap ramp/deck ingress/egress. (Work approved on 5.21.24)**

Motion to approve as made by Mr. Athas. Seconded by Mr. Rizzo. Adopted unanimously 7-0.

● **Tree Requests: NONE**

● **MINUTES- April 10 and May 8, 2024**

Motion to approve as made by Mr. Athas. Seconded by Mr. Vivaldi. The item passed 5-0 with the alternates not voting.

● **Adjournment**

Motion to adjourn as made by Mr. Athas. Seconded by Mr. Cassidy. Adopted unanimously 7-0. The meeting adjourned at 10:06 PM

Respectfully submitted, (To be signed electronically)

Chairman Stewart Lazares