



City of Peabody Conservation Commission

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

MINUTES

June 14, 2023

Link: <https://peabodytv.org/videos-on-demand/?vid=1022>

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
Bruce Comak (arrived 7:10 PM)
Arthur Athas
Amanda Green

MEMBERS ABSENT

Ritamarie Cavicchio

2 alternate member openings
(Please forward resume to Mayor's
office if interested in being appointed)

Also Present: Lucia DelNegro, Conservation Agent

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

NOTICES OF INTENT

1. A continued Public Hearing on a Notice of Intent submitted by Norse Environmental Services, Inc. (Maureen Herald) for Crystal Bass (property owner). The proposed work is the construction of a single-family dwelling, associated grading/utilities, remove a portion of existing driveway, proposed clear cut and clear vegetation within buffer of intermittent stream. The property is known as 36A Greenwood Rd, Map 108, Lot 003A, Peabody MA.

Summary: The commission is waiting for revised plans. Since they have not received any new submittals, the item was continued.

Motion to continue as made by Mr. Rizzo. Seconded by Mr. Vivaldi. (Adopted unanimously 5-0 with Mr. Comak not in the hearing yet).

2. 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, Map 120, Lot 27 (portion), Peabody MA.

Summary: The commission is waiting for revised plans. Since they have not received any new submittals, the item was continued.

Motion to continue as made by Mr. Rizzo. Seconded by Mr. Vivaldi. (Adopted unanimously 5-0 with Mr. Comak not in the hearing yet).

3. A continued Public Hearing on a Notice of Intent submitted by LEC Environmental Consultants, Inc. (Andrea Kendall) for DeOliver Estates, LLC (Daniela DeOliver-owner). The proposed work is the construction of a 360SF single-story addition to the existing commercial building within the riverfront of Strongwater Brook. The property is known as 168 Main Street, Map 86, Lot 159, Peabody MA.

Present: Andrea Kendall (LEC Environmental Consultants, Inc.) and Daniela DeOliver (DeOliver Estates, LLC)

Summary: The drywell detail has been revised per Robert Langley's request. The chairman read comments from a DPS memo. **Discussion ensued** regarding the existing drywells for the property. The new owner was not aware that the drywells needed to be maintained over the years. Staff was able to locate an old O&M plan but could not verify its accuracy. The two existing dry wells are not on

the current site plan in front of the commission presently. Mr. Rizzo and Mr. Vivaldi both felt that the existing drywells and their connections should be shown
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on the plan before the project is approved. **Discussion ensued** regarding the drywells. The commission was concerned that the existing drywells to the rear of the lot are on the abutter's property. They inquired about an easement or an agreement for maintenance. Neither exist presently. They were questioning if the drywells still exist after a major construction project finished on the abutting lot. Daniela has been a tenant for thirteen years but has recently purchased the building. She stated she is friends with the abutter, and they share the parking and have a verbal agreement about maintenance and access etc. Her dumpster is also being stored on the abutter's property. The commission told the applicant that she needs to secure her right to access and the connection to the drywells. If the abutter ever sells his property, the new owner may not be as amenable to the request. The discussion moved to snow storage. The commission felt that a written agreement must be drafted for the snow storage and the ongoing maintenance of the drywells. The addition is needed because she is expanding her business and needs tables inside. Ms. DelNegro reminded the commission that DEP intervened on the original project when the bakery was constructed. DEP is the issuing authority and staff cannot confirm that the old plan shown at the hearing is what DEP approved. DEP no longer has the project on file. Ms. DelNegro asked the applicant if anyone did due diligence to find out what was constructed. The city only received a copy of the SOC. The plan in the city's file is dated 2008. The plan cited in DEP's SOC has a date of 2010. Staff again stated she is uncertain what plan was used and what is on site presently. Staff is no longer certain that the O&M in the file is accurate. The file does not have a Certificate of Compliance (CC) from MASSDEP. They need to request a CC asap. They think one of the drywells may have been paved over. Snow storage was also discussed and needs to be shown on a plan. Daniela stated she will place the snow on the abutter's property. This should also be in the agreement discussed earlier. Work is not anticipated to start until October of this year. The commission asked for the following before they can close and vote: **1) agreement with abutter for maintenance on drywell, dumpster, parking and snow storage. 2) maintenance reports of existing drywells and try to locate both manholes 3) Revised plan to show snow storage, existing drywell locations and revised detail of drywell requested by DPS.**

The item was open to the public. A person was in the audience wanted to speak on another project. They were not aware of meeting procedures. No one else wished to speak for or against this project.

Motion to continue as made by Mr. Rizzo. Seconded by Mr. Vivaldi. (Adopted unanimously 6-0).

4. A Public Hearing on a Notice of Intent submitted by NativeTEC (Robert Marini) for Escarylyn Crisotomo (property owner). The proposed work is the construction of a three-car garage, earth work and the extension of the bituminous concrete driveway within the buffer zone. The property is known as 163 Lowell Street, Map 74, Lot 14, Peabody MA.

Present: Rob Marini (NativeTEC)

Summary: Mr. Marini gave a presentation. Proctor Brook and associated bordering vegetated wetlands are to the rear of the property. All permanent impact is buffer zone only. No work is proposed in the riverfront except the erosion control line. A file number has been issued by DEP, but no comments have been uploaded to date. He mentioned that other work is proposed that is not in ConComm's jurisdiction. That work may start before an Order is issued. **Discussion ensued** regarding vista pruning. Staff reminded the commission that vista pruning, depending on the distance from wetlands, is typically considered a minor project under the regs. Staff thought that there was a rock outcropping on the property. It is not shown on the plan. No blasting is proposed currently. If the owner needs to blast a permit will be required by the fire department not the commission.

NOTICE at approximately 8:01 PM the city of Peabody and surrounding towns lost power due to a thunderstorm. The commission continued a discussion on item #4 without understanding that members were no longer present. Numerous commission members and staff could not log back into the meeting. Due to Open Meeting Law requirements all items not heard needed to be continued and the meeting adjourned. The items will be heard at the next regularly scheduled hearing on July 26, 2023.

5. A Public Hearing on a Notice of Intent submitted by Gibraltar Pools Corp (PJ DeBernardo) for Joseph and Bridgette Mucci (property owners). The proposed work is the installation of an above ground pool in the buffer to Devils Dishfull Pond. The property is known as 71 Lake Street, Map 45, Lot 39A, Peabody MA.

Item to be continued until July 26, 2023.

CERTIFICATES OF COMPLIANCE

6. A continued request for a FULL Certificate of Compliance as made by Peter Ogren (Hayes Engineering) on DEP File No. 55-312. The project was the construction of a service building with associated appurtenances and

land grading. The address is known as 13 Corwin Street, Map 92, Lot 6, Peabody MA.
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Item to be continued until July 26, 2023.

7. A continued request for a FULL Certificate of Compliance as made by Peter Ogren (Hayes Engineering) on DEP File No. 55-323. The project was the construction of a commercial building with associated appurtenances, grading and mitigation efforts for the demolition of an existing building and its appurtenances to accommodate commercial building. The address is known as 13 Corwin Street, Map 92, Lot 6, Peabody MA.

Item to be continued until July 26, 2023.

ENFORCEMENT ORDERS/VIOLATION ORDERS

8. A continued 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.

Item to be continued until July 26, 2023.

9. A continued Enforcement Order issued to 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.

Item to be continued until July 26, 2023.

10. 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.

Item to be continued until July 26, 2023.

MINOR PERMITS AND TREES

- **Minor Permit-** 21 Glendale Avenue- deck rebuild (approved on 5.9.2023)
- **Minor Permit-** 262 Andover Street- remove old fencing and replace with new fencing (pending approval)

Item to be continued until July 26, 2023.

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OTHER ITEMS

• **MINUTES- May 10, 2023**

• **Adjournment**

Motion to adjourn the meeting and continue all unheard items until the next regularly scheduled hearing of July 26, 2023, at 7pm via zoom as made by Mr. Athas. Seconded by Mr. Rizzo. (Adopted unanimously 5-1 with Mr. Vivaldi not able to rejoin the meeting).

NOTICE at approximately 8:01 PM the city of Peabody and surrounding towns lost power due to a thunderstorm. Because of the Open Meeting Law requirements all items not heard need to be continued and the meeting adjourned.

Respectfully submitted, (To be signed electronically)

Chairman Stewart Lazares