



## City of Peabody Conservation Commission

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

### MINUTES

**September 13, 2023**

**Link:** <https://peabodytv.org/videos-on-demand/?vid=1086>

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  
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

## **EXTENSIONS**

**1. A Request for an Extension Permit on DEP File No. 55-808. The request is being made by Attorney Philip T Durkin on behalf of Kay Realty Trust-Alfred DiMambro Trustee. The project is the construction of a commercial building addition adding 3 stories to the existing building footprint. The property is known as 10 Mill Street, Map 85, Lot 60B & 58, Peabody MA. The Order expires on November 13, 2023.**

**Present:** Attorney Phil Durkin

**Motion** to extend DEP File No. 55-808 for one year from expiration (extending until 11/13/2024) as made by Ms. Green. Seconded by Mr. Vivaldi. Adopted unanimously 6-0.

## **NOTICES OF INTENT**

**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:** There was no discussion because the commission is waiting for revised plans.

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

**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.**

**Summary:** There was no discussion because the commission is waiting for revised plans.

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

**4. A continued 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:** Robert Marini (NativeTEC) and Escarylyn Crisotomo (property owner)

**Summary:** There was a site visit on 9.11.23 with the applicant, consultant, conservation agent and three commission members. Mr. Marini has revised the plans because the

abutter stated they receive water runoff. He tried to enhance the plan to help alleviate the situation. **Discussion ensued** regarding the revised plans. The current plans show a stone strip around the perimeter of the driveway, garage and back to driveway. Housing that is four units or less does not require stormwater requirements to be met. The consultant still tried to add some stormwater components to calm the abutter. The commission reminded the applicant that the bobcat and debris need to be removed outside the buffer/riverfront. The property owner agreed. They also gave her permission to continue to mow the grass in the riverfront as this was approved previously many years ago to old owners. No grading or soil will be added, only mowing is allowed. They can use the bobcat to remove their snow in the winter. The commission does not want the bobcat stored indefinitely in the riverfront or buffer. They are allowed to store snow in the buffer zone on the grass area only (they cannot dump it down the embankment). The commission wants the debris in the buffer zone/riverfront cleaned up before any work commences. This can be a condition. They also mentioned that an As Built will be necessary when applying for a Certificate of Compliance. **Discussion ensued** until the item was open to the public.

Stella Spyropoulos (161 Lowell Street resident) and an unnamed woman spoke against the project. They stated that the applicant's raised beds for gardening are causing issues on their property. This statement could not be proven and is an opinion. Some members of the commission members felt that the raised beds would help with water retention. Stella feels it is the abutters' fault that their ten-year-old cement wall that her father constructed is failing. The wall could be older than ten years as they aren't sure of the exact date of construction. She is upset that someone from the city hasn't come to look at it. **Discussion ensued.** The raised beds do not appear to be in ConComm jurisdiction. Mr. Comak chimed in and said it is an easy fix with a swale. He felt the ConComm was spending too much time on a simple project. The proposed stone trench might not even be necessary if they can swale the area away from the abutter. He understands that the neighbors have a water problem but there is no evidence that it is correlated to anything the applicant has done on their property. **Discussion ensued** regarding the plans and what needs to be revised. The water can be directed via a small swale away from their fence and towards the wetlands to the rear.

The commission asked for the plans to be revised. The new plan should have the following added:

- spot grades/contours
- demonstrate proposed water flow
- portions of stone trenches to be removed or to remain TBD by consultant

**Motion** to continue until the October hearing as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 6-0.

**5. A Public Hearing on a Notice of Intent submitted by Attorney John R Keilty for The Farhat Group (owner) and the applicant AGA Foster LLC. The proposed work is the redevelopment of a former leather factory for a commercial storage building. The property is known as 47 Tremont Street, Map 75, Lot 165, Peabody MA.**

**Summary:** There was no discussion because the commission is waiting for revised plans.

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

*(Technical difficulty. The live broadcasted video stopped and played a different program one hour into the meeting. The meeting was not broadcast for approximately 4 minutes.)*

**6. A Public Hearing on a Notice of Intent submitted by Williams & Sparages LLC (Thorsen Akerley) for Ray Falite. The proposed work is the construction of a commercial building, driveways, parking, landscaping, utilities, stormwater, public walking trail with canoe launch and riverfront area restoration. The property is known as 60 Pulaski St, Map 53, Lot 85, Peabody MA.**

**Present:** Chris Sparages (Williams & Sparages)

**Summary:** Mr. Sparages gave a brief presentation on the proposed project. The old building caught fire in 1998. The parcel is presently an eyesore. The proposed work is the construction of a commercial building, driveways, parking, landscaping, utilities, stormwater, public walking trail with canoe launch and riverfront area restoration. The applicant feels the property falls under the Historic Mill Complex which is why they have proposed work in a larger footprint.

*(Technical difficulty. The live broadcasted video stopped again and played a different program one hour and five minutes into the meeting. The meeting was not broadcast live for approximately one minute.)*

**Summary continued:** The site is a 21E parcel and an AUL (Activity Use Limitations) has been placed on the site. An LSP must be on site if they plan to dig down more than three (3) feet). There will be a soil management plan in place. All soil will be handled appropriately. The wetlands were established and approved through the ANRAD process. An ORAD has been issued and is valid for three (3) years. Waters river is a tidal river. Mr. Sparages pointed out the resources on the property. The flood zone is at elevation ten (10) and the proposed building floor elevation is at twenty-two (22). W&S believe they are exempt from the Rivers Protection Act because they are designating the property as a Historic Mill Complex. They are trying to do their best to honor work in the riverfront area. They have proposed a riverfront restoration plan. They plan to clean it up and revegetate it with native shrubs and trees (144 total). All the old debris and junk on the site will be removed and a commercial building will be constructed. One hundred and thirty-five (135) parking spaces are proposed with two entrances and two-way traffic. In the rear is a large parking area with a loading dock and room for large trucks to maneuver. There will also be a public walking trail with lookout spots and a canoe launch. The trail will provide about seven-hundred and fifty (750) feet of walking trail access. **Discussion ensued** regarding the planting plan and the proposed walking trail. One commissioner asked if the trail could be extended. The consultant will go back to his client with this request. The project will meet MASSDEP stormwater management regulations. Low impact stormwater is included. The Stormwater consists of the following: three (3) subsurface infiltration areas (front, side, and rear of property), two rain gardens RG (one large RG to rear and one RG near street), deep sump catch-basins, sediment trap forebays and level spreaders.

The chairman asked if solar panels and electric charging stations would be installed. At this time the tenant is unknown, and the consultant could not answer the question. The consultant will inquire to the property owner regarding solar panels. He stated he would revise the plan for electric vehicle charging stations. **Discussion ensued** regarding the planting selections. A planting plan has already been designed and was part of the submission. A commissioner reminded the audience and the consultant this is Peabody's only access to the ocean. He is excited for the walking path but would like to see it extended. **Discussion ensued.** The Historic Mill Exemption was discussed again.

There were no members of the public that wished to speak.

**Motion** to continue to the November 8 hearing as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 6-0.

### **REQUEST FOR DETERMINATION OF APPLICABILITY**

**7. A Public Hearing on a Request for Determination of Applicability submitted by Oak Consulting Group, LLC (Sean P. Malone, PE) for Brooksby Village by Erikson Senior Living. The project consists of the removal and reconstruction of a failing retaining wall in an area proximate to a stormwater wet pond. The property is known as 1 Brooksby Village Drive, Map 27, Lot 005x, Peabody MA.**

**Present:** Sean Malone (Oak Consulting Group, LLC) and Anthony Kuzawinski (Erickson Living- Brooksby Village)

#### **Documents:**

- Brooksby Village Retaining Wall Repair-Existing Conditions Plan/Site Preparation Plan prepared by Oak Consulting Group stamped by Sean P Malone. Scale: 1"=10'. Sheet C-001 dated 6.27.2023
- Brooksby Village Retaining Wall Repair-Site Plan prepared by Oak Consulting Group stamped by Sean P Malone. Scale: 1"=10'. Sheet C-002 dated 6.27.2023

**Summary:** Mr. Malone gave a presentation. The retaining wall is failing and needs to be repaired as soon as possible. He showed pictures of the wall taken recently. All work will take place from the paved surface area. The wall will be constructed in the same footprint. The walkway and fence would be replaced. The small block wall will be replaced with a large-blocked wall (stone backfill between the blocks). This type of wall can be constructed very quickly. He compared them to Legos. The area of disturbance is approximately 2,000 square feet. There will be temporary impacts near the edge of the pond. Everything will be loamed and seeded after the wall is constructed. The time of the project is about four weeks. The project will be the same distance from the wetlands as existing conditions. ConComm staff felt time was of the essence for the wall to be reconstructed. There were no members of the public that wished to speak for or against the project. The board discussed possible conditions.

**Motion** to close the public hearing as made Mr. Vivaldi. Seconded by Mr. Rizzo. The motion passed 5-1 with Ms. Green not voting.

**Motion** to issue a Negative Determination with the following conditions: **Special Conditions:** **1)** Erosion controls must be inspected and approved work can commence. The erosion log should be the larger size of 18" diameter if feasible from a procurement standpoint not financial. If the construction crew cannot procure the 18-inch erosion log they must install two (2) 12-inch (one in front of the other-double up). A silt fence is also required due to the close proximity of the wetlands/wet pond. Catch basins shall be protected as shown and inspected as well; **2)** Once the project is complete an email with pictures should be sent to ConComm staff at lucia.delnegro@peabody-ma.gov A site visit may be necessary to confirm work was completed in compliance with the approved plans. **DPS Conditions:** **3)** The applicant should have any retaining wall repair/design approved and stamped by a Licensed Professional Engineer qualified to do so. The applicant's licensed qualified engineer shall also oversee the reconstruction of the wall to ensure compliance with the design of the repair; **4)** The applicant must comply with any requirements imposed by the Building Commissioner of the City of Peabody and obtain a Building Permit prior to any construction on the wall; **5)** The applicant must adhere to the erosion control measures that they have outlined in their submitted plans as made by Mr. Rizzo. Seconded by Mr. Vivaldi. The motion passed 5-1 with Ms. Green not voting.

#### **ENFORCEMENT ORDERS/VIOLATION ORDERS**

**8. 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.**

The chairman stated that the commission's peer review team was not present. Therefore, the item would not be discussed. He asked for a motion to continue.

**Motion** to continue as made by Mr. Rizzo. Seconded by Mr. Athas. The motion passed 5-1 with Ms. Green not voting.

#### **MINOR PERMITS AND TREES**

● **Minor Permit-** Allied Waste Systems Inc.-**300 Forest Street**, work within 100 feet of existing stormwater basin (installation of a stationary waste compactor unit on existing paved area.) (Approved on 8.17.23).

**Motion** to ratify approval as made by Mr. Athas. Seconded by Mr. Comak. The motion passed 5-1 with Ms. Green not voting.

#### **OTHER ITEMS**

● **MINUTES- July 26 and August 1, 2023**

**Motion** to approve the minutes as made by Mr. Athas. Seconded by Mr. Vivaldi. The motion passed 5-1 with Ms. Green not voting.

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• **Adjournment**

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

**The meeting adjourned at 9:05 PM**

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

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**Chairman Stewart Lazares**