



City of Peabody
Conservation Commission

City Hall • 24 Lowell Street • Peabody, Massachusetts 01960 • Tel. 978-538-5900

MINUTES

April 13, 2011

PEABODY CITY HALL
24 LOWELL STREET, LOWER LEVEL CONFERENCE ROOM

MEMBERS PRESENT

Michael Rizzo
Francis Lee
Jarrod Hochman
Alan Klapman
Jared Yagjian (Arrived at 7:11)

MEMBERS ABSENT

John McRobbie
Charles Denny
Bruce Comak
Joel Whitman

Also Present: Lucia DeINegro, Conservation Agent; Brendan Callahan, Senior Planner; Councillor Rico Mello, Ward 3 City Councillor.

CHAIRMAN LEE CALLED THE MEETING TO ORDER at 7:04 pm

NEXT MEETING- May 11, 2011 and June 8, 2011
Lower Level Conference Room - City Hall

MR. LEE: The meeting of the Peabody Conservation Commission is hereby called to order. As required by the Commission's By Laws I hereby appoint Joel Whitman as a one man nominating committee for a slate of officers for next year. He will deliver his report at our next meeting. The Commission will act on it that time. Thank you.

EXTENSION

1. A Request for an Extension Permit on DEP File # 55-673. The request is being made by Littles Hill Estate (Carl A. Crupi) and the property is known as 1 and 7 Antonio Drive, Map 106, Lots 98 & 101, Peabody MA. The Order will expire on May 15, 2011 and the applicant is asking for a one year extension.

Motion to extend the Order of Conditions one year (until 5/15/2012) as made by Mr. Hochman. Seconded by Mr. Klapman. Adopted unanimously.

2. A Request for an Extension Permit on DEP file #422. The request is being made by Attorney Athan Vontzalides for the owner and applicant , Jewish Rehabilitation Center for the Aged (JRC). The property is known as 242 Lynnfield Street, Map 99, Lot 15, Peabody MA. The Order expires on 11/5/2011 and the applicant is requesting a one year extension.

Motion to extend the Order of Conditions one year (until 11/5/2012) as made by Mr. Klapman. Seconded by Mr. Rizzo. Adopted unanimously.

COMMUNITY DEVELOPMENT

Taken out of order

- **Reports- Brendan Callahan, Senior Planner**

MR CALLAHAN: We have AECOM on board. They are starting to work on the design for Project One. The other storm water improvement projects throughout the city for the most part are 90% complete.

Forty Five Walnut Street I think we have finally gotten over the hurdles with DEP in regards to the remediation plan. As well as the compensatory flood storage that we have been trying to meet with them. The consultant Horsley Witten is coming up with a new preliminary design. We should be getting them tomorrow. They will be circulated internally. The department heads will make comments. Then we will have a public meeting with the concept plan probably in the next month or so. The design is much different from the original proposed design. The remediation was outside of our budget. We would not have enough money to do the cleanup and the park development. Discussion ensued.

Another small project I am working on is in South Peabody (Lower Spring Pond and Sidney's Pond area). I have been working with Mass Audubon on developing a trail network system linking the two areas together. The cemetery bisects both of them. We are trying to connect the two parcels with nature trails. There are existing trails but we are trying to enhance them and maintain them. Another goal is to clean up along the Lower Spring Pond Road area. We also anticipate erecting a new fence along the water supply. We want to create more of walking paths for the neighborhoods in South Peabody. We received a draft report back from Mass Audubon that has been circulated internally throughout the departments. We received comments and gave them back to Mass Audubon. They are going to give us a final draft that will be reviewed one more time. Then I believe we will have a public meeting to present the concept plan to the community. We are considering having that meeting during a Conservation Commission meeting. We would present here to this group as well as invite the neighbors to come and see the concept. That I think we are targeting May maybe June.

Discussion ensued. Mr. Hochman asked for an update on the Welch School project. There was a brief discussion.

NOTICE OF INTENT

3. A Continued Public Hearing on a Notice of Intent for 60 Pulaski Street LLC by Hayes Engineering, Inc. 603 Salem Street, Wakefield MA. The applicant proposes to construct a parking lot in the riverfront for bus storage. The property is known as 60 Pulaski Street, Map 53, Lot 85, Peabody MA.

ATTY KEILTY: This membership this evening. Mr. Lee is here but wasn't at the last meeting. Mr. Denny was here last meeting and is not here this meeting. Certain members attended the site visit although they are not required to. The Mullin Rule was given and then taken away from this commission as well by the City Council. Is that true? The Mullin says that you didn't need to be present at every hearing. You could read the minutes and sign an affidavit that says you felt you were up to date. So where do we stand with this commission with the Mullin Rule.

Discussion ensued. The commission decided to only discuss the Enforcement Orders (EO) and issues regarding the EO.

MS DELNEGRO: This is the first EO right here. I went out to the site with the Health Department, the building inspector and a few other people. When we were on the site someone was doing illegal work. It was one of his tenants who I believe is no longer there. This area has been taken care of according to the EO. I went out when they were removing the fill. I also went back out after the fill was removed and the area was sloped and straw mulched. They have hay bales out there right now. I do not think we should withdraw that EO just yet. I want to make sure the work is to my liking. The most recent EO was issued at the last meeting. I think Jared saw it on the plan. I do not know if you want to discuss that. That is in our two hundred riverfront. There are a few things you guys could do. You can either allow them to leave it or (cut off).

ATTY KEILTY: Our Notice of Intent includes that asking to develop that. We had responded to the EO by saying no buses will be parked there. We showed the line on the site and we continue to use that line. We are not parking buses there. There was discussion on site of removal of maybe some of the debris, brush and that kind of thing.

MS DELNEGRO: Technically they do not have a valid Order of Conditions to do that work. Do you want to wait until you feel you are going to approve the project? I do not know what the wish of the commission is going to be in a couple months when we actually have a full board to vote on it. You do not have to let them leave it there. That is our two hundred foot riverfront that was illegally cut down.

Discussion ensued.

Motion to continue as made by Mr. Hochman. Seconded by Mr. Rizzo. Adopted unanimously.

4. A Public Hearing on a Notice of Intent by Noblin Associates, LLC, Timothy Little, for Peabody Crossing Condominium Association. The proposed project consists of the installation of porous concrete pavers in a previously landscaped area. The property is known as 10 Crowninshield Street, Map 74, Lot 400T, Peabody MA.

Summary: Peter Czepiel of Noblin Associates was present to discuss the project.

MR. CZEPIEL: Timothy Little was the professional engineer that stamped the drawings. I am representing the firm here today. The goal of this project is to install a durable surface in the landscaped area adjacent to the parking lot of the Peabody Crossing Condominium. The

proposed paving materials are a porous paver system that will resist the excessive flows that have occurred a couple of times in the last decade or so in that location. It will also allow percolation of typical precipitation events through the profiling of that area. That is it in a nutshell. Do you have any questions for me?

Discussion ensued. Ms. DeNegro had pictures of the site and passed them around to the commissioners. The St Patrick's Day storm (March 2010) caused damage to the area of the proposed work. The applicant is proposing the work to fix what was destroyed during the flood waters a year ago. **Discussion ensued.** There were no comments from the public.

Motion to close the public hearing made by Mr. Hochman. Seconded by Mr. Yagjian. Adopted unanimously.

Motion to issue Standard Order of Conditions 1-47 adding condition 48- an As Built Plan is required when filing for a Partial or Full Certificate of Compliance as made by Mr. Hochman. Seconded by Mr. Rizzo. Adopted unanimously.

5. A Public Hearing on a Notice of Intent by The Neve-Morin Group, Inc., Greg Hochmuth, for Kevin and Julie McGrath. The proposed project consists of the construction of an addition, deck and grading to a single family house. The work is within 200 foot Riverfront Area. The property is known as 25 Clark Road, Map 47, Lot 89, Peabody MA.

Summary: John Morin of the Neve-Morin Group was present in place of Greg Hochmuth to discuss the proposed project.

MR MORIN: Again we are here tonight to represent Kevin and Julie McGrath for their property located at 25 Clark Road. We filed a Notice of Intent application. The entire lot is in the riverfront. All of the proposed work is outside the inner one hundred. It is all proposed within the one hundred to two hundred foot. We also have bordering vegetated wetlands associated with that perennial stream. A portion of the proposed addition is actually located within the one hundred foot buffer. We are about seventy seven (77) feet from the edge of the wetlands with the proposed addition at the closest point. The closest point of the proposed addition to the mean annual high water of the stream is one hundred and twenty eight feet (128). The revised plans in front of you have a couple minor revisions that were made to the plan after Lucia reviewed it. We added a dewatering basin to the plan and we also added a soil stockpile area to the plan. The soil stockpile area is located outside the one hundred foot buffer but again it is within the riverfront because the entire property is actually in the riverfront. We have approximately 9,300 square feet of riverfront on this lot. The proposed alteration 915 square feet. This is approximately 9.8 percent. We are below the ten but we are also much below the 5,000 square feet. We do comply with the regulations to that respect. We are proposing hay bales with a silt fence at the back of the property. There is minimal grading associated with the construction of the addition. At this point I would like to open it up to questions from the commission.

Discussion ensued. The applicant's are proposing the addition for an in-law apartment. They have already been in front of the Zoning Board of Appeals. Discussion ensued. There were no comments from the public. The revised plan dated April 4, 2011 (with the dewatering basin and stockpile location) was accepted by the commission.

Motion to close the public hearing made by Mr. Hochman. Seconded by Mr. Yagjian. Adopted unanimously.

FLIP TAPE

Motion to issue a Standard Order of Conditions 1-47 adding the following conditions: **48)** The existing grass area/impervious areas on the parcel must remain as such. No work beyond what was approved on the above stated plan is allowed. **49)** A new plan showing the existing driveway must be submitted and approved before the order can be released. **50)** An "As-Built Plan" is required when requesting a Certificate of Compliance. **51)** Straw bales shall be used in lieu of hay bales as made by Mr. Rizzo. Seconded by Mr. Yagjian. Adopted unanimously.

6. A Continued Public Hearing on a Notice of Intent for OHC Walnut Place LLC (10 Dearborn Road, Peabody MA) by Hayes Engineering, Inc. with a business address of 603 Salem Street, Wakefield MA. The applicant proposes to construct multi family buildings with associated parking areas, drives, utility and drainage structure installation, pavement removal and grading. The property is known as 0 Hardy Street and 10 & 12 Munroe Street, Map 85, Lots 001, 002H and 0021, Peabody MA.

Motion to continue made by Mr. Hochman. Seconded by Mr. Klapman. Adopted unaimously.

7. A Continued Public Hearing on a Notice of Intent for E.H. Porter Construction, Inc. 15-17 Wallis Street (PO Box 708), Peabody MA.. The applicant is proposing to redevelop the site for the construction of a new building to house, in part, the United States Post Office as shown on the plan for property known as 15-17 Wallis Street, Peabody MA, Map 85, Lot 41. The proposed work is in the buffer zone and riverfront area.

Motion to continue made by Mr. Hochman. Seconded by Mr. Klapman. Adopted unaimously.

ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

8. A Continued Public Hearing on an Abbreviated Notice of Resource Area Delineation by Attorney Athan Vontzalides, 246 Andover Street, Peabody MA for Salvaggio Enterprises LLC, Joseph Salvaggio, 10 Monson Drive, Peabody MA. The applicant is seeking confirmation for the extent and location of wetland resource areas that may be subject to jurisdiction under the Massachusetts Wetland Protection Act and the City of Peabody Wetlands Ordinance within and surrounding the proposed project for the property known as 83 Winona Street and 86 Pine Street, Map 45, Lots 15 and 21, Peabody, MA.

*****CONTINUED UNTIL THE JULY 27, 2011 HEARING*****

REQUEST FOR DETERMINATION

- NONE

MODIFICATION and EXTENSION

- NONE

ORDER OF CONDITIONS

- NONE

CERTIFICATE OF COMPLIANCE

9. A Request for a FULL Certificate of Compliance made by Scott Colby of Aggregate Industries Northeast Region, Inc. The DEP file number is 55-665 and the property address is 55 Russell Street, Map 010, Lot 013, Peabody MA.

Summary: Timothy Bernier of T. Bernier Incorporated and Stephen Simas of Aggregate Industries were both present. The project was for driveway improvements on an Order of Conditions issued back in 2007.

MR BERNIER: This was originally approved in 2007 with the reconstruction of the driveway to the Aggregate Industries Plant in Peabody. It was intended to address some environmental issues with stormwater runoff of the existing driveway. Boston Survey Consultants (Remy Chapman) did the design to address those issues. They did a great job. The original approval was in 2007 the construction was done in 2008. There was some restoration work done in 2009. In the spring of 2010 we looked at it. The driveway came out great and the drainage system was working really well. There were three small areas in the wetland resources that needed restoration work under the original design. That work was done in 2009. In 2010 we went and inspected it and it needed some improvements. There were some issues. I came to this board in July of 2010 with some recommendations to move some plants around and take advantage of some of the natural conditions to make it work a little bit better. You guys went along with those recommendations. We completed that work shortly after that meeting. We inspected it again this spring and it looks pretty good. We decided to go forward and ask for a Certificate of Compliance.

Discussion ensued.

Motion to issue a Full Certificate of Compliance as made by Mr. Rizzo. Seconded by Mr. Yagjian. Adopted unanimously.

10. Continued Request for a FULL Certificate of Compliance made by Marc Marrocco of Stop & Shop Supermarket Company, LLC. The DEP file No. is 55-724 and the property address is 19 Howley Street, Map 86, lot 130X. The project is known as the Stop & Shop Fueling Facility Project.

*****CONTINUED UNTIL THE JUNE 8, 2011 HEARING*****

11. Continued Request for a FULL Certificate of Compliance made by Attorney David Ankeles for Lynnfield Street Properties, Inc. The DEP File No. is 55-707 and the property address is 139 Lynnfield Street, Map 101, Lot 12, Peabody MA.

*****CONTINUED UNTIL THE JUNE 8, 2011 HEARING*****

ENFORCEMENT ORDER

12. A continued hearing on an Enforcement Order issued to Adam and Doreen Kobierski. The property is known as 503 Lowell Street, Map 36, Lot 008B, Peabody MA. The illegal activity observed was altering, filling and grading within 200 feet of a vernal pool as well as the construction of a rip rap type retaining wall to extend their backyard. It appears that the construction of the rip rap wall is taking place in the "No Cut Zone" as depicted on approved plans under the original Order DEP file no. 55-569.

Motion to start issuing fines of \$300.00 per day starting on April 14, 2011 for the violator's continued failure to comply with the conditions of the Enforcement Order; if they appear at the May 11, 2011 meeting all fines will be abated as made by Mr. Hochman. Seconded by Mr. Klapman. Adopted unanimously.

13. A continued hearing on an Enforcement Order issued to Michael Chiaradonna. The property is known as 119 Foster Street Rear, Building 10, Map 04, lot 007B, Peabody MA. The illegal activity is storing pallets of Wet Blue Chrome Scraps (old leather hides). The leather hides are also piled on the abutting property. The property is bounded to the north by a channellized section of Goldthwaite Brook. This site is located entirely within the Riverfront (RF) associated with Goldthwaite Brook. The wet blue scraps are being stored in RF without a valid Order of Conditions.

Summary: Ms. DelNegro was asked by the Commission to contact the Health Department and Brian Barrett (Assistant City Solicitor) regarding the status of the court case.

Motion to continue made by Mr. Hochman. Seconded by Mr. Klapman. Adopted unanimously.

FINDING OF NON SIGNIFICANCE

- NONE

CITY COUNCIL- Special Permits- Motions

- NONE

VIOLATION ORDER

- NONE

EMERGENCY CERTIFICATION

- NONE

CORRESPONDENCE- APPOINTMENT

14. Letter from EOEAA/DEP signed by Elizabeth Sabounjian. The letter is dated 3/9/2011. RE: ADMINISTRATIVE CONSENT ORDER WITH PENATLY (ACOP). Restoration plan Approval for 25 Farm Road, Peabody MA.

Discussion ensued- ACCEPTED

SUBCOMMITTEE REPORTS

- Land Acquisition Committee- Chairman Rizzo

Discussion ensued

- Flood Mitigation- Chairman Whitman NONE

APPROVAL OF MINUTES

15. Minutes- 3.9.2011

Motion to accept made by Mr. Hochman. Seconded by Mr. Klapman. Adopted unanimously.

OTHER

16. Any other matter presented to the commission at this time.

POSSIBLE **Enforcement Order** to be issued to Arthur Yiakas. The property is known as 181 Lynnfield Street, Map 100, Lot 143, Peabody MA. A concrete block retaining wall along Goldthwaite Brook is in disrepair.

Summary: The commission signed an Enforcement Order and Ms. DeINegro will issue it shortly. The owner's presence is requested at the May hearing to address the issue and decide on a resolution.

17. Adjournment

Motion to close the public hearing and adjourn as made by Mr. Hochman. Seconded by Mr. Yagjian. Adopted unanimously.

The hearing was closed at 8:52 pm

Respectfully submitted-

Francis Lee, Chairman