



City of Peabody
Conservation Commission

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

MINUTES

JULY 25, 2018
DEPARTMENT OF PUBLIC SERVICES
50 FARM AVENUE

MEMBERS PRESENT

Vice Chairman Bruce Comak
Chairman Michael Rizzo
Stewart Lazares
Bryan Howcroft
Travis Wojcik (arrived at 7:40 pm)
Gerry Kruczkowski
Craig Welton (left at 8:54 pm)

MEMBERS ABSENT

Melissa Feld, Secretary

Also Present: Brendan Callahan, Assistant Director of Planning; Lucia DelNegro, Conservation Agent; Ward Councillor Mark J. O'Neill; City Councillor Ryan Melville

VICE CHAIRMAN COMAK CALLED THE MEETING TO ORDER at 7:04 pm

PROPOSED NEXT MEETING DATES- September 12 AND October 10, 2018
NO AUGUST MEETING
DPS- 50 Farm Avenue

****Please note meeting location has changed- The Commission will meet at the Department of Public Services located at 50 Farm Avenue, Peabody MA until further notice.**

EXTENSION REQUESTS

1. A Request for an Extension Permit on DEP File No. 55-808. The request is being made by Brendan Callahan for the city of Peabody. The proposed work is the Crystal Lake Dredging Project. The property is known as Lowell Street, Map 024, Lot 077X. The Order expires on 9/25/2018. The applicant is asking for a one-year extension.

Present: Brendan Callahan

MR CALLAHAN: The project is currently happening. The dredging phase of the work is complete. We have entered into the second phase of the work which is the park phase. The development of the park will go beyond September 25. That is the reason we are asking for an extension. The dredging work is complete. We have entered the park phase this late spring. They did the tree clearing. The tree clearing and brush is completed along Lowell Street. As well as where the scenic overlook will be located. The grading is very rough right now. Not even remotely close to rough it's not even done really. The boat ramp has been installed. The compensatory flood storage area has been installed. The pathways to where the docks will be installed and the grading has been cleared. It is not one hundred percent established. The bases for the light poles were recently installed. That is most of the work that is going on. There were some issues a couple weeks ago with the elevations of the grading. So, we had to take another look at those elevations. Make sure the grades were correct. That was a delay in the progress of the work. Probably set us back a week or two on that. We had a really good progress meeting today. A lot of the site amenities are coming in between August first and August eighth. Those would be bike racks, trash barrels, message board. The concrete pads for all those site amenities will be going in over the next few weeks. I think they are targeting paving the walking path for mid to late August. Some of the trenching in the conduit for the light poles has been installed. The electrical boxes have not been installed yet.

Discussion ensued regarding the project updates. Chairman Rizzo asked if the tree clearing along Lowell street was complete. He noticed a lot of branches/brush that needed to be taken off site. Mr Callahan stated he would inquire and send Lucia an email with the status.

MR COMAK: At the last meeting we had a bunch of people here about the siltation in the next pond. I went over and looked at it. I don't know how bad it was compared to how it was before. I can't tell. There is quite a bit of siltation over there. I can't speak to how it was before but there is a lot of siltation over there.

MR CALLAHAN: I'm in the same camp you are on that one. I don't know what it was the preexisting elevation, or you know the sediment. I have seen that pond run super low, so it does get exposed. I don't know if that is where we are at today or if that is actually sediment from the dredging phase. I don't know for a fact. As far as I understand it is not from the dredging project. You know the consultant has verified that. At this point the city does not believe that it is an issue.

Discussion ensued regarding other park amenities.

MR LAZARES: I have a suggestion. Is there any way you can have pictures of the progress of the park put up on the city's website so everyone can see it as it goes?

MR CALLAHAN: I can talk to Chris Ryder. He seems to be the guy that does the project updates. You know chief of staff and he kind of does that type of work. I can ask if he wants to proceed. I will talk to him. I definitely have photos we can share.

Discussion ensued.

John Fitzgerald, 13 Pinecrest Avenue

MR FITZGERALD: I grew up in West Peabody. Elginwood, since they put those black tubes in, I believe it is Cobb Avenue. I am not one hundred percent sure. The water has been where it never should have been. If you look at how Crystal is regulated; it has a cement dam. The water is regulated. You can put a board in and raise it. Take the board out and flow it. They are killing Elginwood because the water is too low. The pipes are not where they were originally (the height). The pond beyond that is regulated by the dam. The water is up where it belongs. Out back, where the beavers were, there is six inches of water through that whole spot. I have been talking to a lot of people when I am out there at five am riding my bike. Everybody is not happy that the growth is growing so fast in there. You are going to have nothing but stagnant water. One guy that lives there has been complaining about the West Nile Virus. The beaver dam regulated that water back there. I would like to see a cement, just like Crystal Lake has, to hold some of that water back. There is one person that complains that he is losing five thousand square feet of land. He is losing five thousand square feet of wetlands. He encroached on if you look at his lot. I think the complaining of the beavers. Now the beavers are being trapped out of there on a regular basis. There was three there two weeks ago and now they are gone. They have been trapped out. Someone called. To me it is being mismanaged. I can take you from one end of the water that comes here through to where it goes, the Ipswich River. It is being mismanaged and I want to see a little correction. It would mean a lot to me and a lot of other people. What we are seeing is not right. Dead fish. The water is so low the temperature gets hot. What happens? I put a little bit of wood in there to hold back some of the water and it is working. They breached the beaver dam and never took care of the debris that is down there. Trapping the beavers to me they are not hurting anything. I think putting a cement dam in there wouldn't be that expensive. It would hold it back to a certain level.

Discussion ensued.

MS DELNEGRO: I spoke with you on the phone. I was out on the site on Monday. I emailed James Nicholas and Robert Langley at DPS today. I asked them if they could remove all that debris. I saw it all there too. It seems like every time they break a beaver dam the debris is left behind. It is left on the banks and in the buffer zone. It is technically considered fill and it is illegal. The Emergency Certificate always says they are supposed to remove it and I assume they do because we are a team. I was out there on Monday following up on site visits. I did note that the debris was still there. I sent an email out today. Hopefully it will be picked up in two weeks I am hoping. We are in a drought right now. They will need a Notice of Intent to put a dam in. It is something you would need to get the mayor on board with you.

Discussion ensued. The commission recommended that Mr. Fitzgerald reach out to the mayor's office and his ward councillor to discuss a future dam project.

MR CALLAHAN: I will follow up with Lucia tomorrow. We will talk about the question he is raising. Her and I can come up with a game plan of what we think is the best way to proceed. Lucia will be huge in helping us come up with a game plan.

Paul Delvecchio, 3 Mead Street

MR DELVECCHIO: My question is when was the last time Crystal Lake was dredged?

MR RIZZO: I don't think it was ever dredged.

MR DELVECCHIO: This dredging that occurred at Crystal Lake. Is this the same dredging that occurred at Devil's Dishful in 1979?

MR RIZZO: It was a different process I think. It was the same concept. To deepen the lake. The lake was inundated with so much siltation and there was a lot of eutrophication taking place. When the silt comes in and the water gets shallow the plant community the light goes to the bottom. The plant community grows and basically kills the lake.

Discussion ensued.

Motion to extend the Order of Conditions until 9/25/2019 as made by Mr. Lazares. Seconded by Mr. Kruczkowski. Adopted unanimously.

2. A Request for an Extension Permit on DEP File No. 55-795. The request is being made by Brendan Callahan for the city of Peabody. The proposed work is the construction of an 8-unit townhouse development. The property is known as 70 Endicott Street, Map 74, Lot 65. The Order expires on 9/18/2018. The applicant is asking for a one-year extension.

Present: Brendan Callahan

SUMMARY: Brendan Callahan gave a quick overview of the project. The city is requesting a one-year extension.

Motion to extend the Order of Conditions until 9/18/2019 as made by Mr. Lazares. Seconded by Mr. Welton. Adopted unanimously.

3. A Request for an Extension Permit on DEP File No. 55-787. The request is being made by Joseph Salvaggio. The proposed work is the construction of a three-house subdivision. The property is known as 83 Winona Street and 86 Pine Street, Map 45, Lot 15 & 21. The Order expires on 10/28/2018. The applicant is asking for a one-year extension.

Present: Joseph Salvaggio

Summary: One house has been constructed and will go on the market soon. The developer still has two houses to build. He will need an extension to finish the project. He is hoping to finish both houses within the next year.

Motion to extend the Order of Conditions until 10/28/2019 as made by Mr. Comak. Seconded by Mr. Howcroft. Adopted unanimously.

CERTIFICATE OF COMPLIANCE

4. A continued request for a FULL Certificate of Compliance made by David Kelly (Kelly Engineering Group Inc.) for Centercorp Retail Properties (Richard Newburg) and Nicholas Decoulos on DEP File No. 316-43 (the Order of Conditions was issued on 1/10/1979). The property is known as 250 Andover Street, Map 30, lot 13, Peabody MA.

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

5. A request for a FULL Certificate of Compliance made by Cristopher Ryan of Meridian Associates for Kelly Auto Group on DEP File No. 55-835. The property is known as 74R Andover Street, Map 28, lot 002A, Peabody MA.

Present: Andrew Rodriquez, Meridian Associates

Summary: Previously the applicant received a partial Certificate of Compliance. The grass has grown in and they requested a full release of said Order.

Motion to issue a Full Certificate of compliance as made by Mr. Lazares. Seconded by Mr. Welton. Adopted unanimously.

6. A request for a PARTIAL Certificate of Compliance made by Joseph Salvaggio on DEP File No. 55-787 asking for release on PARCEL #4. The property is known as 83 Winona Street and 86 R Pine Street, Map 45, lots 15 & 21, Peabody MA. Pending submission of AS Built Plan, WPA Form 8A and all other applicable conditions being satisfied as shown on said Order. Surveyor has not submitted any paperwork for the applicant yet. Item may need to be continued until September.

Present: Joseph Salvaggio

Motion to issue a Partial Certificate of Compliance releasing Lot 4 (to allow the property owner to obtain an Occupancy Permit), the no disturb zone is in perpetuity also stating Lot 4 is responsible for the maintenance of the detention basin as noted in the O& M Plan as made by Mr. Wojcik. Seconded by Mr. Lazares. Adopted unanimously.

NOTICE OF INTENT

7. A continued Public Hearing on a Notice of Intent submitted by John R Keilty for Crowninshield Apartment Associates. The proposed work is the expansion and reconstruction of existing parking areas and the addition of stormwater management facilities. The property is known as 0 & 18 Crowninshield Street, Map 74, Lots 65A and 65C, Peabody MA.

Summary: Legal counsel submitted a letter requesting a withdrawal of said NOI. Mr Howcroft recused himself.

Motion to withdraw the NOI as made by Mr. Comak. Seconded by Mr. Welton. Adopted unanimously with Mr. Howcroft recusing himself.

8. A Public Hearing on a Notice of Intent submitted by The Botto Realty Trust. The proposed work is the construction of a single-family house with driveway, utilities and lawn. The property is known as 73 Lake Street, Map 45, Lot 62, Peabody MA.

Present: Christopher R Mello (ELSAI) and Joseph Salvaggio (potential buyer)

Summary: The applicant is proposing a single-family dwelling at the property known as 73 Lake Street. Mr. Mello gave a brief presentation. Discussion ensued regarding the riverfront being across the street. Some commissioners felt that the buffer zone was more important to conserve versus the riverfront. There is riverfront on this property however there is a street between the proposed development and the actual physical river. The item was open to members of the public.

Rose CORREALE, 74 Lake Street

MS. CORREALE: Currently from what I understood is there is a pipe that runs down the middle of (inaudible) and into my property. I am wondering if that pipe is going to be moved.

MR RIZZO: Is that on the plan?

MR MELLO: I don't know where we are sorry.

MS CORREALE: There is an underground runoff pipe that goes right down the middle of the land.

Discussion ensued. An unnamed resident told the commission the culvert was an issue back in 1994 when Ms. Botto tried to develop the land before. Discussion ensued regarding the culvert that might or might not be on the property. The applicant will get in touch with the water department and city engineering to find out if there is in fact a culvert on said property.

MS DELNEGRO: It sounds like you guys are asking them to build the house closer to the street anyways. This should be the time that Chris should get in touch with the water plant and find out if there is a pipe there (too many people talking at once).

Discussion ensued. The commission asked for a revised plan showing the house closer to the street. The commission will have to come up with a “finding” of why they asked the applicant to move the proposed house into the riverfront and out of the buffer zone. The “finding” would be that the commission feels the buffer zone has more value than the riverfront. The applicant was asked to find out if there is a culvert on said property. The neighbors vehemently agree that a pipe runs down the middle of 73 Lake Street. There was a long discussion regarding the mysterious culvert and it’s whereabouts. Another resident stated her cul-de-sac (Mead Street) floods. She was concerned with future flooding events in the neighborhood if this house is constructed. Other residents stated that Lake Street flooded on the Mother’s Day storm. The neighbors believe there is another pipe behind Mead Street.

Motion to continue as made by Mr. Welton. Seconded by Mr. Wojcik. Adopted unanimously.

ENFORCEMENT ORDER

9. A continued Enforcement Order issued to Carpenter & Costin, Cedar Pond Village Condominiums and Crowninshield Management for the property known as 1200 Salem Street, Lynnfield MA. The mailing address is Lynnfield however the actual location of the violation is in Peabody located behind the townhouses along Brookside Path (map 98, Lot 500T). The violation is the removal of 35+ mature trees as well as vegetation along a portion of Goldthwaite Brook. All work was done in close proximity to or on said bank of brook. A valid Order of Conditions has never been issued for said work.

Present: Scott Cameron, The Morin-Cameron Group

Summary: Scott Cameron was in attendance as the representative for Cedar Pond Village. He submitted pictures of the riverfront vegetated. Ms. DelNegro and Mr. Lazares conducted a site visit months ago in the spring and stated the riverfront grew in nicely. The commission was in agreement that the EO could be withdrawn.

Motion to withdraw the Enforcement Order as made by Mr. Lazares. Seconded by Mr. Howcroft. Adopted unanimously.

NOMINATIONS

Chairman- Michael Rizzo
Vice Chairman- Bruce Comak
Secretary- Melissa Feld

Motion to accept nominations as made by Mr. Welton. Seconded by Mr. Wojcik. Adopted unanimously.

APPROVAL OF MINUTES

10. MINUTES- May 16, 2018 and June 13, 2018

Motion to approve as made by Mr. Howcroft. Seconded by Mr. Lazares. Adopted unanimously.

SUBCOMMITTEE REPORTS

- **Land Acquisition Committee- Chairman Rizzo** **NONE**
- **Flood Mitigation- Stewart Lazares**

There was a discussion regarding detention/retention basins throughout the city. Over the years numerous detention/retention basins have been created for various subdivisions. The commission would like the mayor to request the Department of Public Services to conduct an inventory of all existing basins in the city. The inventory should address if the basin is functioning properly, if it has been retrofitted or if it needs maintenance etc. If said basins needs maintenance who is responsible?

Motion to have staff ask the mayor to request a detention/retention basin inventory as made by Mr. Comak seconded by Mr. Wojcik. Adopted unanimously.

OTHER

- **Any other matter presented to the commission at this time.**
- **Adjournment**

Motion to adjourn as made by

The meeting adjourned at 9:10 pm

Respectfully submitted-

Chairman Michael Rizzo

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