



City of Peabody
Conservation Commission

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

MINUTES

MARCH 14, 2012

PEABODY CITY HALL
24 LOWELL STREET, LOWER LEVEL CONFERENCE ROOM

MEMBERS PRESENT

Chairman Francis Lee
Mark Smith
Joel Whitman
Bruce Comak (arrived at 7:08)
Alan Klapman
Charles Denny

MEMBERS ABSENT

Secretary Jared Yagjian
Vice Chairman Michael Rizzo
Jarrod Hochman

Also Present: Lucia DelNegro, Conservation Agent

CHAIRMAN LEE CALLED THE MEETING TO ORDER at 7:05 pm

NEXT MEETING- May 9, 2012 AND June 13, 2012
Lower Level Conference Room - City Hall

EXTENSION REQUESTS

1. A request for an Extension Permit on DEP file # 55-697. The request is being made by Sergio Coviello on behalf of Shelby LLC and the property is known as Lot 3 Murphy Road, Map 115, Lot 311 (portion), Peabody MA. The Order will expire on June 22, 2012 and the applicant is asking for a one year extension.

Motion to extend the Order of Conditions for a period of one year (valid until June 22, 2013) as made by Mr. Whitman. Seconded by Mr. Denny. Adopted unanimously (with the exception of Mr. Comak who arrived late and was not present for the entire discussion).

2. A request for an Extension Permit on DEP file # 55-698. The request is being made by Sergio Coviello on behalf of Shelby LLC and the property is known as Lot 2 Murphy Road, Map 115, Lot 311 (portion), Peabody MA. The Order will expire on June 22, 2012 and the applicant is asking for a one year extension.

Motion to extend the Order of Conditions for a period of one year (valid until June 22, 2013) as made by Mr. Whitman. Seconded by Mr. Denny. Adopted unanimously (with the exception of Mr. Comak who arrived late and was not present for the entire discussion).

3. A request for an Extension Permit on DEP file # 55-699. The request is being made by Sergio Coviello on behalf of Shelby LLC and the property is known as Lot 1 Murphy Road, Map 115, Lot 311 (portion), Peabody MA. The Order will expire on June 22, 2012 and the applicant is asking for a one year extension.

Motion to extend the Order of Conditions for a period of one year (valid until June 22, 2013) as made by Mr. Whitman. Seconded by Mr. Denny. Adopted unanimously (with the exception of Mr. Comak who arrived late and was not present for the entire discussion).

4. A request for an Extension Permit on DEP file # 55-700. The request is being made by Sergio Coviello on behalf of Shelby LLC and the property is known as Murphy Road (road construction), Map 115, Lot 311 (portion), Peabody MA. The Order will expire on June 22, 2012 and the applicant is asking for a one year extension.

Motion to extend the Order of Conditions for a period of one year (valid until June 22, 2013) as made by Mr. Whitman. Seconded by Mr. Denny. Adopted unanimously (with the exception of Mr. Comak who arrived late and was not present for the entire discussion).

5. A request for an Extension Permit on DEP file # 55-673. The request is being made by Carl Crupi and the property is known as 1 and 7 Antonio Drive (Little's Hill Estates), Map 106, Lots 98 & 101, Peabody MA. The Order will expire on May 15, 2012 and the applicant is asking for a one year extension.

Brief discussion ensued.

Motion to extend the Order of Conditions for a period of one year (valid until May 15, 2013) as made by Mr. Whitman. Seconded by Mr. Klapman. Adopted unanimously.

REQUEST FOR DETERMINATION

6. A public hearing on a Request for Determination by Hayes Engineering, 603 Salem Street, Wakefield MA for Lincoln Property Company (c/o Sam Ajanaku), 67 South Bedford Street, Burlington MA. The proposed work consists of reconfiguring the southerly end of the building and associated pavement to incorporate four additional loading docks, an access ramp, and a new paved truck turnaround with new catch basin structures and a Cape Cod berm. The property is known as 13 Centennial Drive, Map 92, Lot 10, Peabody MA.

Mr. Comak recused himself.

Peter Ogren of Hayes Engineering

MR OGREN: I am here with Elizabeth Wallis who is our wetland scientist. I am also here with Sam Ajanaku who is with Lincoln Properties and represents the owner. The reason we are here this evening is that DHL has a picking warehouse operation. With us this evening are Mary Carter and Peter Vongallen from DHL in case there are any questions on what we are looking to do. Basically what the request is to be able to add a configuration to the geometry that can allow them to put two new loading docks to the rear of the building. They can have tractor-trailer maneuvering to operate this picking warehouse.

Discussion ensued regarding the history of the building's use.

MR OGREN: The thing that brings us into your jurisdiction is this outflow from this retention basin constitutes a stream. Not under the state regulations I do not think but under the regulations the ordinance of the city of Peabody. That gives you jurisdiction of two hundred feet. Your definition of a stream is broad. In terms of whether it is really just a channel that holds water. This is a channel that holds water. Although it certainly does not always flow. It is not a river under the state regulations. So therefore, their two hundred foot would not occur. Your two hundred foot takes us to this location right in here. This amount of pavement is what is involved. DHL did say can we look at this without going into that area? The problem is that we need to get a trailer in here and be able to back up into the loading dock.

Discussion ensued.

MR OGREN: The request we have is to actually reconfigure this pavement. Which we need to do to get a proper loading dock height that these two loading docks in the back. Then that paver will grade out to a berm. That is why we mention a cape cod berm. We want to put a cape cod berm around this to contain the water. A new catch basin in this location, which will be the low point. That we intend to send to a manhole. It was constructed when this drainage system was constructed. Initially it discharged into this stormwater management area. That pipe will go into that manhole and into a stormwater management and out. We did take a look at the (inaudible) and it is not indicating an overtopping of the basin or anything. We are adding about ten thousand square feet of area but there is about one hundred thousand on the lot in present condition. I think that describes the proposal.

Discussion ensued.

MR OGREN: There is going to be a Cape Cod berm. That will go into a catch basin. Then into the detention basin. It is true that it ultimately will flow out of the detention basin out in that direction. That was the original design when this done back in 1984 or 1985.

Discussion ensued about the amount of water the detention basin can hold. There were no comments from the public.

Motion to close the public hearing as made by Mr. Whitman. Seconded by Mr. Klapman. Adopted unanimously.

Motion to issue a Negative Determination as submitted with the following stipulations 1- a revised plan showing a 10 inch orifice inside a twelve inch pipe showing the hydros match the crown, 2- A revised O&M Plan must be submitted and also including that the commission believes this is only jurisdictional under the local ordinance Chapter 32 and is not jurisdictional under the Wetlands Protection Act as made by Mr. Whitman. Seconded by Mr. Denny. The motion passed 5- 0 with Mr. Comak recusing himself.

The Determination will be held until said documents have been issued and reviewed by staff.

NOTICE OF INTENT

7. A Public hearing on a Notice of Intent by Boy Scouts of America- Troop 59 (John Dunn) for the city of Peabody, Center Elementary School. The proposed work is a trail around a vernal pool and the creation of two "classroom" areas. The property is known as 18 Irving Street, Map 73, Lot 276, Peabody MA.

Commissioner Mark Smith recused himself from the discussion.

Summary: John Dunn and Brian O'Shea were both present to discuss the proposed project. There is a vernal pool behind Center School. Mr. O'Shea proposed to construct a two hundred foot trail around the pond with two outdoor classrooms. Both classrooms would consist of three benches in an amphitheater type formation. The project also includes debris removal (large trash items dumped illegally).

MR DUNN: The next step would be clearing and cutting back the brush to make area for the classrooms and the trail. There are poison ivy vines that are crawling up the trees that could easily resolve in the trees coming down. They are also in the way of the trail. So maybe cut those back or move them out of the way. The next step would be creating the trail.

Discussion ensued. DEP had comments regarding possible Bordering/Isolated Vegetated Wetlands being on the property and in the exact location of the proposed classrooms. The commission requested that a wetland scientist visit the property and flag the area per DEP's request. Ms. DeINegro recommended the following condition: "work should not be conducted in the spring when the vernal pool is most active." She also mentioned checking with Natural Heritage to make sure there is not any other time of year restrictions. The hearing was open to members of the public. John R. Keilty of 84 Ellsworth Road spoke in favor of the project. Beverly Griffin-Dunne of the School Committee was present and supports the project as well.

Motion to continue as made by Mr. Whitman. Seconded by Mr. Klapman. The motion passed 5-0 with Mr. Smith recusing himself.

8. A public hearing on a Notice of Intent by David Aiello, 505 Lowell Street, Peabody MA. The proposed work is the installation of a fence around a portion of the property. The property is known as 505 Lowell Street, Map 36, Lot 8, Peabody MA.

Summary: Mr. Aiello was present to present his proposed project. The proposed project is the installation of a fence around the back perimeter of the property line. Mr. Aiello submitted a new plan stamped by a surveyor. The commission accepted the new plan and asked Ms. DeINegro to find the plan from the original subdivision, which shows the resource area. This plan will be part of the file for this NOI and Order of Conditions.

Motion to close the public hearing made by Mr. Whitman. Seconded by Mr. Klapman. Adopted unanimously.

Motion to issue an Order of conditions 1-19 adding condition 20) The area of concern is a buffer zone to a vernal pool. The following condition is necessary: **The fence must have a six (6) inch minimum ground clearance as to not create a barrier to wildlife movement** as made by Mr. Denny. Seconded by Mr. Klapman. Adopted unaimously.

9. A public hearing on a Notice of Intent by John Barth, PO box 88, Springvale ME. The proposed work is the construction of a single family dwelling in riverfront of Tapley Brook and FEMA flood zone A. The property is known as 4 Lynn Street, Map 102, Lot 255, Peabody MA.

FLIP TAPE 1

Summary: Mr. Barth was present. The commission requested a stamped plan to be submitted before the work can be approved and an Order of Conditions can be issued (under 310CMR10.5). There were no comments from the public.

Motion to continue the hearing as made by Mr. Whitman. Seconded by Mr. Smith. Adopted unanimously.

10. A public hearing on a Notice of Intent by Metrowest Engineering Inc (Robert Gemma), 75 Franklin Street, Framingham MA for Atlantic-Peabody/Delaware Realty LLC, 205 Newbury Street, Framingham MA. The proposed work is the expansion of an existing parking lot. The property is known as 1 Second Street, Map 100, Lot 128A, Peabody MA.

Summary: John Keilty was legal counsel for the applicant. The following were also present: David Kappabianco [sic] the principal at Atlantic-Peabody/Delaware Realty LLC, and Robert Gemma of Metrowest Engineering Inc.

MR GEMMA: There are two resource areas but we are only close to one of them. Goldthwaite Brook is here and this is the two hundred foot riverfront of a perennial stream. We are not proposing any work in there. We do have a small intermittent stream that is off locus. We are within the buffer zone. This purple line being the one hundred foot buffer and then this being the two hundred foot set back. As you probably heard on the earlier application trucks today are just larger than they were when the facility was built. This dark gray area is presently landscaped. It is either grass or a shrubby wooded area. We have about a ninety foot distance from the building face and the existing edge of pavement. We really need something that is closer to one hundred and twenty to one hundred and thirty feet to be able to have a tractor trailer make this radius and get out. So what we are proposing is to take this area, which is about 6,400 square feet, and pave that area so we can develop a more manageable trucking facility. This would become pavement as opposed to landscaping. We would also be taking out about 14,000 square feet of the existing pavement and re-grading the lot to meet these grades. There will be a block retaining wall in this area. It is roughly six feet high. We need to bring this grade up. There are currently catch basins out there but there is really no treatment for the stormwater runoff. It goes right into the drainage system which eventually discharges into Goldthwaite Brook. The area that is being disturbed what we propose is to have a catch basin system, deep sump catch basin, that would then go into a stormceptor and manhole for pretreatment. We would have a subsurface infiltration system to run that runoff from both the new pavement and about 14,000 square feet of the existing pavement. Thereby reducing both the rate of runoff and quality of runoff for at least this portion of the site. The closest point of activity to the bank of the intermittent stream is in this location which is the existing drive in. it will go through a slight re-grading process. The existing landscaped island will be cut back. The closest point of activity is fifty feet from the resource area. The limit of work would be controlled with sediment control measures. In this case either a filter sock or a silt sac.

Discussion ensued. The applicant displayed photographs of the site to give the commission a better understanding of the lot configuration. Mr. Smith requested that the resource area across the street also be included on the plan. The commission also requested that the applicant address DEP's comments. The applicant stated they already addressed DEP's comments. Staff received revised document hours before the meeting and was unable to review them. The commission felt that a continuance was necessary.

Motion to continue as made by Mr. Whitman. Seconded by Mr. Klapman. Adopted unanimously.

ORDER OF CONDITIONS

11. A continued public hearing on an Amendment to an Order of Conditions (DEP file No. 55-670) by John R. Keilty Esquire for Gilbert Aleixo-Filho, Trustee of 18 Carell Road Nominee Trust. The applicant is asking for an amendment to increase the size of the approved dwelling, add a deck, a two garages and a swimming pool. The property is known as 18 Carell Road, Map 57, Lot 72 & 74 (portion), Peabody MA.

Motion to extend the Order of Conditions one year from expiration date as made by Mr. Klapman. Seconded by Mr. Comak. Adopted unanimously.

Motion to withdraw the Amendment request without prejudice as made by Mr. Whitman. Seconded by Mr. Denny. Adopted unanimously.

ENFORCEMENT ORDER

12. A continued hearing on an Enforcement Order issued to James Kaloutas for the property known as 34 Railroad Avenue, Map 085, lot 236, Peabody MA. A large section of a retaining wall associated with Proctor Brook is in severe disrepair.

Motion to continue as made by Mr. Whitman Seconded by Mr. Klapman. Adopted unanimously.

13. A continued hearing on an Enforcement Order on DEP file No. 55-742 for the property known as 18-20 Pleasant Street, Peabody MA. The applicant is not complying with conditions as cited in the Order of conditions of file 55-742.

Motion to continue as made by Mr. Whitman Seconded by Mr. Klapman. Adopted unanimously.

14. A continued hearing on an Enforcement Order 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.

Motion to continue as made by Mr. Whitman Seconded by Mr. Klapman. Adopted unanimously.

15. 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.

Motion to continue as made by Mr. Whitman Seconded by Mr. Klapman. Adopted unanimously.

16. A continued hearing on an Enforcement Order issued to Spinelli's LLC for the property known as 10 Newbury Street, Map 88, lot 1, Peabody MA. The EO work is mandated under Order of Conditions file No. 55-757. The EO work must be complete and approved by staff before any approved work can start under the current OoC. CONTINUED UNTIL APRIL 11, 2012 HEARING.

Motion to continue as made by Mr. Whitman Seconded by Mr. Klapman. Adopted unanimously.

17. A continued hearing on an Enforcement Order issued to Lamb and Vila Pino both of 501 Lowell Street, Peabody MA. the alleged illegal activity is work within the 100 foot buffer zone to a certified vernal pool. CONTINUED UNTIL APRIL 2012 HEARING.

Motion to continue as made by Mr. Whitman Seconded by Mr. Klapman. Adopted unanimously.

SUBCOMMITTEE REPORTS

- **Land Acquisition Committee- Chairman Rizzo-NONE**
- **Flood Mitigation- Chairman Whitman**
Update: The city council has approved going to 100% design for the Flood Mitigation Project.

APPROVAL OF MINUTES

- **Minutes- 2/8/2012**

Motion to approve minutes as made by Mr. Whitman. Seconded by Mr. Denny. Adopted unanimously.

OTHER

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

The commission discussed some administrative ideas that they hope to implement in the future.

- **Adjournment**

Motion to close the public hearing as made by Mr. Smith. Seconded by Mr. Whitman. Adopted unanimously.

The meeting adjourned at 9:05.

Respectfully submitted-

Francis Lee, Chairman