



City of Peabody
Conservation Commission

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

MINUTES

July 27, 2011

PEABODY CITY HALL
24 LOWELL STREET, LOWER LEVEL CONFERENCE ROOM

MEMBERS PRESENT

Michael Rizzo
Francis Lee
Joel Whitman
Jared Yagjian
Charles Denny
Jarrod Hochman
Bruce Comak

MEMBERS ABSENT

Alan Klapman
Brendan Callahan (Senior Planner)

Also Present: Lucia DelNegro, Conservation Agent; Councillor Rico Mello, Ward 3 City Councillor;

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

NEXT MEETING- September 14, 2011 and October 12, 2011
Lower Level Conference Room - City Hall

CERTIFICATE OF COMPLIANCE

****Item taken out of order.****

10. A Request for a FULL Certificate of Compliance made by TRC Environmental Corp. by Kelly Kippenberger. The DEP file no. is 55-676 and the property address is Pope's Lane to Glen Drive (existing right of way easement), Peabody MA.

Summary: Kelly Kippenberger was present. Ms. DelNegro conducted a site visit with her on July 27 before the meeting. Ms. Kippenberger stated that the work has been complete since 2009. Staff confirmed that vegetation has grown back. Ms. DelNegro recommended the issuance of a full Certificate of Compliance.

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

CORRESPONDENCE- APPOINTMENT

1. Request for discussion from Roy Simoes from PMLP for the property located at 0 Russell Street. The proposed project would be a new sub-station for PMLP.

The item will be discussed at the September hearing.

MODIFICATION and EXTENSION

2. Request for a minor Modification for 3 Antonio Drive (a/k/a lot 16 Antonio Drive), Peabody MA. The request is being made by CEC, LLC for Eric Couture. The modification requested are two 500 gallon drywells for runoff in lieu of an infiltration trench as originally conditioned as well as the addition of a deck to the rear of the property.

MS DELNEGRO: Instead of just building the deck, he is actually asking you guys if he can build it. Right now, this is just an empty lot. I do not have a problem with it. A couple of the other houses put a deck on without even checking with us. You gave them Certificates of Compliances. It is a deck and it is not going to have any pavement under it. There will still be impervious surface under it. I also think the dry wells are better than the infiltration trench. That is just my opinion. I did not even ask him to do an amendment. I thought this was such a simple deviation. I thought a minor modification was sufficient and we did not have to go crazy about an amendment (changing the Order) as long as we had the plan and the minutes.

Discussion ensued.

MR HOCHMAN: The only issue I have and I know it is not a permanent structure but this house is almost essentially going to be in the resource area. We are only fourteen and a half feet between the end of that deck and what has been delineated as a wetland boundary. That is not a lot of distance.

MS DELNEGRO: There is a wall. It is a riprap wall.

MR WHITMAN: When we gave the approval, was that a Do Not Disturb Zone?

MS DELNEGRO: Where the retaining wall is, well it is actually not a retaining wall. It is a riprap wall. It was originally supposed to be a retaining wall. Where they are building the deck was going to be grass anyways.

Discussion ensued.

MR HOCHMAN: Do you have a buyer?

MR COUTURE: Yes.

MR HOCHMAN: Is the deck significant to this buyer?

MR COUTURE: Yes very unfortunately.

Discussion ensued.

MR RIZZO: Something looks off with the plan. It looks like there is a twenty five (25) foot buffer shown on the plan from the wetland. It comes up close to the house.

Discussion ensued regarding the scales of both plans.

MR RIZZO: There is a twenty-five foot buffer zone that was established or shown on the plan. I guess it is just a deck. I remember why we put that now. Because they wanted to build houses on the front side close to the resource, I think we said we wanted to establish a twenty-five foot zone beyond the wetland so that no structures would be constructed. That would put the deck in that area. I don't think it is a do not disturb area. I think it is a limit of where a structure could show. We were trying to keep any buildings at least twenty-five feet from the wetland. The petitioner agreed to that and now they are asking for a deck inside the twenty-five feet.

Discussion ensued.

MR RIZZO: If we allow the deck and two years from now he encloses it (cut off).

MR DENNY: Can we put that language in there? That it has to be a deck where the water can go through and crushed stone has to stay under it. It can never be closed in. Can we put that language in?

MR RIZZO: We could.

MS DELNEGRO: We are not going to revise the Order of Conditions unless you are requiring him to file an amendment. If that is the case, he is going to have to notify abutters and run a legal ad. It is grass right now. I mean it is an empty flat lot with all sorts of succession going on (weeds basically). The way I read the order condition 49 what is toward the resource area from the riprap wall "there will be no cutting of vegetation outside the delineation of the stone wall for protection of habitat unless the tree is dead or prohibits placement of the stone wall." I think that the wall was the limit of work zone not the flat area of the buildable lot. I think you were trying to protect the resource area on the other side of the wall.

MR WHITMAN: I wish there was something we could put in this that says it cannot become a permanent structure. I do not know how we do it because he is asking for a minor change here.

MS DELNEGRO: A deck is a permanent structure. If he sells it with the deck and five years down the line the new owners want to make it a three seasons porch; the building inspectors will go to whoever the agent is.

MR RIZZO: They will let them do it.

MS DELNEGRO: I don't think they will. I just had someone come to me today and wanted the exact same thing. I stopped them and told them they had to file. We have a new computerized system and it is working pretty well.

MR WHITMAN: I think it is fine what he wants to do. I just don't want to get boxed in somewhere down the road.

MR RIZZO: I am not trying to be a stickler or anything. This was back in 2007 almost four years ago. Now that I look at this, I do remember. We were very strict with it.

MR RIZZO: We made our case back then. We didn't want anything within that twenty five feet. I was on the board then. We went back and forth with the developer about doing the best we could to help them. This is what we decided. I want to stick with it. I am just one person and I am not opposed to it. If you guys want to do it and put a restriction that it can never be closed in.

MR COMAK: He needs to come back then.

MR LEE: What you are hearing is that you might get approval with a restriction.

The owner withdrew his request without prejudice. He will submit an amendment to the Order at the September hearing.

REQUEST FOR DETERMINATION

3. A continued public hearing on a Request for Determination of Applicability by Keith Morris for Pan Am Railways, Inc. The applicant is requesting verification of the wetland boundaries for future herbicide treatments. The sensitive areas have been delineated in the field by a color coded system approved by MDAR. This application is for verification of wetland boundaries only and not for the actual application of herbicides. Prior to the application of herbicides a Yearly Operational Plan (YOP) is submitted to each community and there is a 45-day review and comment period.

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

NOTICE OF INTENT

4. A public hearing on a Notice of Intent by Attorney John R. Keilty for Spinelli's LLC (Anthony Roberto), 282 Bennington Street, East Boston MA. The proposed project consists of the construction of two building additions in the buffer zone to a drinking water supply (Suntaug Lake). The property is known as 10 Newbury Street, Map 88, Lot 1, Peabody MA.

Summary: Commissioner Jarrod Hochman recused himself from the deliberation. Attorney John R. Keilty was legal representation for the applicant. James MacDowell from Eastern Land Survey Associates Inc. was also present as representation for the applicant.

ATTY KEILTY: We have a proposal this evening, which involves the permitting of three additional areas. Two are in your jurisdiction. One is the addition to the bakery section of the premise. The addition itself is not completely within your purview. However, the work that we want to do regard to the facility and roof run off facilities is within your purview. We have supplied you with a plan that depicts a silt fence and various runoff facilities that will protect the wetland from any siltation running into Suntaug Lake. The area that is of most concern to this commission is actually a first floor and second floor addition. It will be built within the existing deck area. It will fill in a light gap in the premises of the original building. We do not think there will be any siltation issues but we do understand that Department of Public Services has indicated to us that they would like us to supply a construction plan; whether we are changing the footings in any manner. We are happy to comply and have those as conditions on this.

Discussion ensued.

MR MACDOWELL: Just very quickly I put up the first sheet of the two drawings to give everyone the orientation of the property. As Jack said there are three activities. One is a covering over the main entrance of the function hall. This is non-jurisdictional. The second is an addition to the bakery. The third is the one and two story additions over here (pointed to rear of building on existing patio pavers).

Summary: The bakery addition is jurisdictional. The existing transformer needs to be relocated.

MR MACDOWELL: In doing so we are going to remove some paved area. There also exists out here an underground four roof recharge facilities. They were put in for a portion of the building when the work was done in 1998 or 1999. One of those recharge chambers (they are large drywells) is under that addition. We propose to take that one out and relocate it over here. This location is out of jurisdiction but we clearly wanted everyone to know where it was going. The major activities within the buffer zone here are the small portion of the addition to the bakery slash takeout facility. The removal of some pavement in here and the construction of curbing as well as relocating the existing transformer.

MR LEE: How big is that transformer?

MR MCDOWELL: The transformer pad is about eight by eight.

Summary: Chairman Lee had concerns about the transformer leaking. Mr. MacDowell mentioned the possibility of the applicant changing the plans to show a curbing around it. They would be willing to take a condition in the order. The second addition is over the existing patio area in the rear of the building closest to the resource area. Half of the addition is two stories. One portion of the proposed addition is only a second story addition. The patio will remain below this area of construction.

MR MACDOWELL: The other addition is strictly on a second floor addition. The patio will remain below it. As to the construction of it Public Services has raised some questions. We will have the architect and or general contractor provide a detailed program. However I suspect what they will do is most of the access will either be by carried stuff in by hand using a small bobcat type loader or lift it over with a crane. The crane would be out in the parking lot. One concern that Lucia brought up was the question of siltation control.

Discussion ensued about erosion controls to the rear of the property. A revised plan will be submitted. There were no comments from members of the public. The commission scheduled a site visit. The commission requested the applicant to respond to the DPS memo dated July 26, 2011. Ms. DelNegro stated Brad Perron of the water department noted possible illegal activity during his site visit. This will be determined at the upcoming site visit.

A SITE VISIT IS SCHEDULED ON AUGUST 18TH AT 6PM AT THE SITE LOCATION.

Motion to continue made by Mr. Rizzo. Seconded by Mr. Yagjian. Adopted unanimously. Commissioner Jarrod Hochman recused himself from the deliberation.

CERTIFICATE OF COMPLIANCE

*** Item taken out of Order***

9. A Request for a FULL Certificate of Compliance made by Attorney John R. Keilty for Spinelli's LLC (Anthony Roberto). The DEP file No. is 55-489 and the property address is 10 Newbury Street, Map 88, Lot 1, Peabody MA.

Motion to issue a Full Certificate as made by Mr. Rizzo. Seconded by Mr. Yagjian. Jarrod Hochman recused himself from the deliberation.

NOTICE OF INTENTS CONTINUED

5. A continued (re-advertised) 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 is a matter which we suggested a meeting or two ago we felt that we were entitled to historic complex status. As such we would be exempted from the Rivers Act to a large extent. We had a site visit about a month ago. The city solicitor John Christopher gave us, through Lucia, a list of questions that he would like us specifically to address. Some of which we are in a position to address. There are some materials that have been given to the board at an earlier date. One of the pieces of material that we have given to the board, or are intending to, if it is not formally presented to the board is something that came from 1938 Curtis aerial flyover. I am hoping to get a better image. We had the librarian (archivist) give us a cd in which she burned a picture. That picture is not conclusive to at least one issue. That is to whether or not there was a retaining wall beyond the foundation. Is that retaining wall immediately adjacent to the waterfront property. We are going to do two things. Our intention is to see whether we can get better image and secondly whether there is information at the assessors or through Osborn Palmer, actually Eastern Land Survey owns those records. Those would tell us whether or not there is a retaining wall out on the water. The other question was whether we were water dependent. That is another question that the city solicitor asked of us. So we are looking for archival information and or internal information of when my client buys that company if there is anything that tells us or speaks to that issue. I have not supplied that information. I relieved Peter Ogren from being here this evening. I know the neighbors want to add something to the record. I have nothing this evening and I am asking that the matter be continued until the September hearing. Certainly whatever the neighbors want to present is fine.

The hearing was open to members of the public.

MR LEE: I have in my hand, and you all have a copy of it, a July 14, 2011 letter to the commission attention Lucia. From the Waters River Community Conservation Coalition I will summarize, that the bus lot that exists there now is illegal because it was created in a buffer zone with no appropriate permit. Is someone here that would like to talk to the commission and present this.

Kathy Wells, 22 Westview Circle

MS WELLS: This is the group that is the Water River Community Conservation Coalition (WRCCC). We did submit this originally when we started this whole process. Just so you know that it is not just us neighbors that are here but over forty people that are involved in this. Across the street from 60 Pulaski Street there is a natural resource area. We brought this up a long time ago. It is a wooded area and there is water on the lot. And now there is wildlife there mainly coyotes. They go from there over to the bus lot. That particular resource area (resource area across Pulaski Street) was not taken into consideration when whoever gave approval for the existing bus lot. If you measure from that piece of property across Pulaski to where the bus lot is it is only forty feet. As neighbors we feel that the Peabody's River Act the existing bus lot is within the conservation resource area. It is too close to that. We would like you to take a look at that. This shows a house lot that was there and where it abutts Pulaski Street.

Summary: The bus lot at 60 Pulaski Street was illegally constructed in a buffer zone from a resource area located across the street. Ms. DelNegro was asked to look into this. There is a mystery file for Gallant Circle that exists and must be located. This file will shed light on the alleged resource area across the street from the bus lot. Discussion ensued.

MR RIZZO: Yes this is all wetlands. There is a sewer easement that goes through there. There is a sewer pipe at the end of Gallant.

MS WELLS: The sewer pipe is the pipe that John (Serman) refers to many times over that has disappeared and is buried under the existing bus lot. Nobody seems to tell us where that sewer pipe went to. I did not bring the pictures tonight but I think Lucia has them. The water is there because there is no longer a drainage pipe that exists it was buried under the bus lot.

Discussion ensued.

MS WELLS: I am going to make it more complicated now. There is wildlife living there very actively. There is a coyote and his family. We saw the pups going through our neighborhood Friday night and into that particular resource area.

Discussion ensued. WRCCC submitted pictures of coyotes in the areas as discussed. There was brief discussion about an alleged conversation with William Power (Chairman of the Historic Commission). In the alleged conversation he stated that 60 Pulaski Street was not a site of an historic mill.

Daryl McCarthy, 47 Pulaski Street

MS MCCARTHY: The pictures with regard to the coyote. I want to mention because I am not sure if it was clear to everyone. Right now the buses are not there. They have not been parked there. There are about four or five buses parked there since the end of June. Those animals are now walking freely through that area. I would have to venture to guess that they might not be doing that with thirty buses parked there. That is what I wanted to mention. You can see this coyote in an open area where for the past year thirty buses were parked. Not having seen him before I wanted to shed some light on that for you because there are no buses there right now.

John Serman, 53 Pulaski Street

MR SERMAN: I want to say that the wetlands that Kathy was talking about, that is across the street. Kathy and I went out with a tape measure. That was a pond area and that went over almost to the Roadhouse. The Roadhouse filled in too and they didn't get a permit for that I don't think. That was even a bigger wetland area. The pipe that I always keep on saying. The city put the sewer one in there but there was a pipe from the wetland resource area here. Here is Pulaski Street and here is the bus lot. That pipe went across Pulaski Street and there was an inlet where that other pipe let the water come through and it would flow into the Waters River. That bus lot is not on top of the ponded area that was also a pond. That is where that pipe that is not there anymore. I also see the coyotes and they are running up and down the street with a bunch of other ones. They always refer to thirty five or forty buses. There is probably ten there now. Or half a dozen. They want to have a hundred buses. It is a polluted site and the buses are going to be dripping oil and gas. Plus the cars and they are going to be dripping. It is right near the river. They are just asking for trouble. It is a brownfield site now and it is going to get worse. We want to make it better not worse.

Discussion ensued.

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MR RIZZO: I think were I keep finding myself is that there is still an uncertainty of where is our jurisdiction. Forget if it is a mill or not a mill, if there are buses or not any buses. Where is our demarcation of jurisdiction? I still don't know where the riverfront is actually. Where is the buffer zone? Where is the two hundred foot line? I need something that I can look at and say okay from here over has to go away.

Discussion ensued. * Flip Tape 1*****

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

ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

7. 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.

Summary: Legal counsel requested a continuance.

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

ORDER OF CONDITIONS

- **NONE**

CERTIFICATE OF COMPLIANCE

8. 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.

Summary: Mark Costa of VHB was present. The applicant has already received a partial Certificate of Compliance. The commission was waiting for vegetation to grow in on the slope adjacent to the cemetery. Ms. DelNegro conducted a site visit. The site visit showed that the grass has grown in. The slope is currently stabilized. Staff recommended the issuance of a full Certificate of Compliance.

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

11. A Request for a FULL Certificate of Compliance made by Philip Henry of RJ O'Connell & Associates, Inc. The DEP file No. is 55-692 and the property address is 174 Main Street, Peabody MA. This request is for the local Order only. DEP issued a Superseding OoC.

Summary: Ms. DelNegro told the applicant that they did not need to attend the meeting. DEP issued a Superseding OoC. The request before the commission this evening is for the local OoC only. Staff conducted a site visit with DEP and the applicant's engineering firm. Ms. DelNegro suggested making a motion to wait for DEP to sign off first. Staff recommended that once DEP has issued a Full Certificate the local commission should release the local Certificate.

Motion to issue a full Certificate of Compliance with the stipulation that it must be held until staff receives the Certificate of Compliance from DEP on the Superseding Order of Conditions as made by Whitman. Seconded by Mr. Yagjian. Adopted unanimously.

12. 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.

Summary: Legal counsel requested the item to be continued.

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

ENFORCEMENT ORDER

13. 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. The owner's presence is requested at the hearing to address the issue and decide on a resolution.

Summary: Arthur Yiakas was present. Discussion ensued about the logistics of repairing the wall under an Amended Enforcement Order.

Motion to amend the Enforcement Order allowing the removal of the compromised section of the wall (12 feet to the left of the crack) and the homeowner must submit pictures when the work is complete as made by Mr. Hochman. Seconded by Mr. Whitman. Adopted unanimously.

14. 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 continue as made by Mr. Whitman. Seconded by Mr. Yagjian. 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. Yagjian. Adopted unanimously.

16. A hearing on an Enforcement Order issued to DEK Limited Partnership- Donald Kelly. The property is known as 58 Rear Pulaski Street, Parcels 53-046A and 53-083A, Peabody MA. See EO for illegal activity reference.

The file has been taken over by MASSDEP. It will remain on the agenda.

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

17. A Hearing on an Enforcement Order issued to 49R Lowell Street LLC and M. Dullea Landscaping. The property is known as 49R Lowell Street, Map 85, lot 244A, Peabody MA. The illegal activity was the dismantling of air conditioners approximately eighty feet from Proctor Brook.

Summary: No one was present. Staff has not received any correspondence from either of the violators.

Motion to issue fines to both 49R Lowell Street LLC and M. Dullea Landscaping of \$300.00 per day starting July 28, 2011 and requesting their appearance at the September 14, 2011 hearing upon their appearance the fines may be abated as made by Mr. Hochman. Seconded by Mr. Whitman. Adopted unanimously.

FINDING OF NON SIGNIFICANCE

- NONE

CITY COUNCIL- Special Permits- Motions

- NONE

VIOLATION ORDER

- NONE

EMERGENCY CERTIFICATION

- NONE

SUBCOMMITTEE REPORTS

- Land Acquisition Committee- Chairman Rizzo NONE
- Flood Mitigation- Chairman Whitman NONE

OTHER

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

- Request from the neighbors- property address: 18-20 Pleasant Street

Summary: The following neighbors were present and spoke: Loli Deserto, 15 Shaw's Lane and Raymond Stoej, 46 Holten Street. The applicant is not adhering to condition number 50 "There will be **NO** stockpiling on the site at any time. All excavated material must be live loaded" as cited in DEP file No. 55-742.

Motion to issue an Amended Enforcement Order demanding the following action items: 1- All material stockpiled in the riverfront **MUST** be removed from site by September 14, 2011; 2- A bill of Lading is required to establish what was removed; 3- An As built plan must be submitted to the commission after the offending material is removed; 4- The homeowner or a representative for the homeowner must appear at the Peabody Conservation commission hearing on September 14, 2011 at 7 pm in Peabody City Hall (lower level conference room) also adding the issuance of fines in the amount of \$300.00 per day starting July 28, 2011 which **MAY** be abated if the homeowner or a representative attends the September 14th hearing as made by Mr. Hochman. Seconded by Mr. Whitman. Adopted unanimously.

- 6(A and B) Karelitz Road, Request by the homeowners of both units for discussion

Summary: Paul Prideaux and Cindy Higgins were both present to discuss the trimming of a tree to the rear of the units overhanging the roof. They do not want to remove the entire tree. They were asking for permission to prune the tree limbs that were touching the roof. The commission agreed to give them permission to prune the tree as shown in pictures taken by staff on 7/26/2011. A tree expert must prune the tree. The owners submitted a letter/estimate from a tree company named Cheap-Scapes outlining how they will prune the tree to prevent damage. No other work is allowed on site. When the work is complete the commission respectfully requested the homeowner to apply for a Certificate of Compliance. Staff stated they could help with the process.

Motion to allow the pruning of said tree in conformity of the estimate that was submitted by Cheap-Scapes dated 7/26/2011 as made by Mr. Hochman. Seconded by Mr. Rizzo. Adopted unanimously.

• **9 Antonio Drive – Request for an aboveground swimming pool.**

Summary: A representative from Gibraltar Pools was present for the homeowner. 310CMR10.02(2)(b)e states the following “the conversion of lawn to uses accessory to residential structures such as decks, sheds patios, and pools, provided the activity is located more than 50 feet from the mean annual high water line within the riverfront area or from bordering vegetated wetlands.” The pool will be located over fifty feet from the resource area. There is also a stonewall that will act as an erosion barrier. Ms. DelNegro will draft a letter that will be filed with the building inspector and the conservation commission.

APPROVAL OF MINUTES

. **Minutes- 6.8.2011**

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

19. Adjournment

The meeting adjourned at 9:47 pm

Respectfully submitted-

Francis Lee, Chairman