



City of Peabody Conservation Commission

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

MINUTES

MARCH 9, 2022

Via Zoom ID 870 0765 7139

YouTube link: <https://www.youtube.com/watch?v=kSvaiqIGCh4>

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. c. 30A § 18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place *as extended on June 15, 2021 with the Governor signing of Senate Bill # 2475 Suspending certain provisions of the Open Meeting Law*, allowing public bodies greater flexibility in utilizing technology in the conduct of meetings under the Open Meeting Law, this meeting of the Peabody Conservation Commission was conducted via remote participation to the greatest extent possible.

MEMBERS PRESENT

Chairman Stewart Lazares
Vice Chairman Michael Rizzo
Arthur Athas
Amanda Green
Alt. Ritamarie Cavicchio

MEMBERS ABSENT

Sec. Michael Vivaldi
Travis Wojcik
Bruce Comak

Also Present: Ward 3 City Councillor Stephanie Peach; Ward 4 City Councillor Julie Daigle; Lucia DelNegro, Conservation Agent

CHAIRMAN LAZARES CALLED THE MEETING TO ORDER at 7:00 pm

In the absence of 3 commissioners RitaMarie Cavicchio had voting rights.

CERTIFICATES OF COMPLIANCE

1. A request for a FULL Certificate of Compliance as made by Janice Schultze for DEP File No. 55-888. The project was the construction of a garage and breezeway attached to an existing single-family house. The address is known as 11 Glendale Avenue, Map 120, Lot 38, Peabody MA.

Present: Janice Darisse-Schultze (owner)

Motion to issue a Full Certificate of Compliance with the following condition in perpetuity: Gutter diffuser or rain barrel to control water velocity shall remain in perpetuity as made by Ms. Green. Seconded by Mr. Athas. Adopted unanimously 5-0. (Hold CC until agent can confirm diffuser and sod have been installed).

OTHER Chairman Lazares speaks to late submittals:

MR. LAZARES: Did anyone discuss the lack of adhering to deadlines for meeting dates yet? (Not officially). Let me go through this quickly. Everyone on the Conservation Commission this week has seen their mailbox explode. Basically, I am disappointed with the lack of respect for the deadlines that we established and published. I think the commission is fair and more than cooperative with the projects we are reviewing. We make exceptions for special circumstances. These days the exceptions are becoming the rule. The applicants disregard for our deadlines and submitting information at the last minute puts a huge strain on us and our ability to do a great job. We need time to review all the information this week. Deadlines are published on the city of Peabody website and have been there all year. Some of the projects are for single family homes. Perhaps a pool installation. Those we can take a week in advance. Most of our recent projects are huge and as you know require information from the applicants, clients and various city departments and in some cases, it may even require a peer review. I am requesting the applicants provide all their submission before our deadlines so we can provide a less frantic environment for everybody. We are in this together and the commission is here to help guide you through sections of the law that effect water and wetlands. I would like this recorded in the record.

Summary: There is a revised deadlines/meeting dates document uploaded to the commission's website. All commercial properties must submit revised submission/paperwork two weeks in advance by noon on due date. All other late submittals and small revisions shall be determined at the agent's discretion.

CERTIFICATES OF COMPLIANCE CONTINUED

2. A continued request for a FULL Certificate of Compliance as made by Attorney Mathew Snell on behalf of Stahl (USA), Inc. for DEP file 55-312. The project was the construction of a service building with associated appurtenances and land grading. The address is known as 13 Corwin Street, Map 92, Lot 6, Peabody MA.

Motion to continue as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 5-0.

3. A continued request for a FULL Certificate of Compliance as made by Attorney Mathew Snell on behalf of Stahl (USA), Inc. for DEP file 55-323. The project was the construction of a commercial building with associated appurtenances, grading and mitigation efforts for the demolition of an existing building and it's appurtenances to accommodate commercial building. The address is known as 13 Corwin Street, Map 92, Lot 6, Peabody MA.

Motion to continue as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 5-0.

4. A continued request for a FULL Certificate of Compliance as made by Frederick Hostrop (Neptune Engineering) on behalf 160 Main Street Realty LLC (Nikolay Polinovskiy) for DEP File No. 55-793. The project was the redevelopment of a previously degraded site for commercial and residential use. The address is known as 166 Main Street, Map 086, Lot 150B, Peabody MA. Partial CC has been issued. Item will remain on agenda until a Full CC can be requested. CONTINUED UNTIL May 2022 TBD- no motion needed

No motion necessary. Continued as previous hearing until May hearing.

REQUEST FOR DETERMINATION OF APPLICABILITY

5. A continued Public Hearing on a Request for Determination of Applicability submitted by Anthony Capachietti (Hayes Engineering) for Mills58 II LLC c/o Edward Greeley (applicant/owner). The proposed work is the construction of a parking area and stormwater infiltration system for rooftop runoff within 100 feet of an isolated vegetated wetland under local jurisdiction. The property is known as 58 Pulaski Street, Map 53, Lot 87, Peabody MA.

Present: Anthony Capachietti (Hayes Engineering) and Ed Greeley (applicant/owner)

Summary: The plan is going to be revised. **Discussion ensued** regarding the abutter and flooding on both sites. Mr. Capachietti alleged that the abutter illegally diverted and created a drainage ditch to convey water from an intermittent stream. **Discussion ensued.** The applicant also asked if the commission was comfortable with them continuing down the RDA path even though they are very close to a wetland. It was difficult for the commission to determine without a plan to review. **Discussion ensued.** Further discussion ensued about stormwater proprietary units, mounding analysis, and groundwater depth due to perched ground water. The item was open to members of the public for discussion. Ms. Wells, a resident of Crestview Circle, wanted to make sure she understood the project. She was nervous if water would be directed towards Pulaski Street. It will not be directed towards Pulaski. **Discussion ensued.** There were no further comments or questions.

Motion to continue to the April hearing as made by Ms. Green. Seconded by Mr. Rizzo. Adopted unanimously 5-0.

6. A Public Hearing on a Request for Determination of Applicability submitted by Andrew Levin (City of Peabody). The proposed work is the drainage repair and resurfacing of an existing bike path. The property is known as Kristen Crowley Spur Trail, Peabody MA.

Present: Andrew Levin (Sr. Planner),

Summary: Mr. Levin gave a brief overview of the project. The project is drainage repair work and grading to alleviate flooding and ponding on said trail. **Discussion ensued.** There were no comments from the public.

Motion to close the public hearing as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 5-0.

Motion to issue a Negative Determination with the following conditions: **1)** Work must be done as shown on approved plans, **2)** Erosion controls must be inspected by ConComm staff before work commences and **3)** Installation of the boulders must be coordinated with the agent as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously.

ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION

7. A Public Hearing on an Abbreviated Notice of Resource Area Delineation submitted by Thorsen Akerley (Williams & Sparages LLC) for Ray Falite (Falite Brothers, Inc.). 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 property known as 60 Pulaski Street, Map 53, Lot 85, Peabody MA.

Present: Thor Akerley (W&S)

Summary: Thor gave a brief history of the property and it's historic "use." FLAGS A28- A30 were incorrect and immediately changed in the field with the Agent. A29 and A30 were eliminated and flag A28 was moved enlarging the BVW by a few feet. This is shown on the revised plan and a narrative to explain the missing flags. There was further discussion regarding Flags A22-A23, A13 and A31-A32. There is a wetland across the street and the buffer does slightly fall on 60 Pulaski. It is labeled as "approximate" on the plan and was not flagged in the field. There is also a pipe that conveys water under the property and daylights into the river. The plan has been revised since the original submission. **Brief discussion ensued** regarding degraded areas on site. It will be decided under the NOI process per 310CMR10.05(4)(b)2. The item was open to members of the public.

Councillor Stephanie Peach (Ward 3)

CLLR Peach: I want to get clarification on the process. I want to make sure we are just voting on the wetland flags tonight. As far as abutter notification if the petitioner actually plans to develop the land or whatever the next step in this process is, that there will be additional abutter notification? I know there are a lot of concerns with this particular parcel.

Summary: Abutters will be notified again during the NOI process. **Discussion ensued** with Councillor Peach regarding abutter's concerns (truck traffic, traffic in general and wetland disruptions). The commission reminded the public and applicant that this is the only access that Peabody has to the ocean. The commission is hopeful that any future development grants water access to the public. No project is proposed at this time.

Kathy Wells, Crestview Circle

MS WELLS: I worked a lot on this site and I am sure you recognize me from the meetings many years ago with the bus lot. I did go through the Danvers Historical Society as well as the Peabody. We did determine that no boats ever went down the river. It was always way too shallow. The picture that depicts the building, I have lived here since 1996, it was a very small building that was there. It was not a 46,000 square foot building. Which is what I believe they are proposing. I know this is just about the delineation tonight, but I wanted to correct them and let you know the history that I have learned. I do have the documentation and I will be happy to provide that if anybody wants it. A park would be wonderful there. A lot better than a large industrial building. Thank you.

Bill Bakinski [sic.?], Ledgewood Way

BILL: Resident of Peabody since 1986. I am not looking for a full discussion at this meeting. We all read about the anticipated rise of sea level. I thought about that when I saw the drawings that Mr. Akerley has presented. I am not looking for full discussion but if anyone would like to comment I would be glad to hear it. That is all I have. Thank you very much.

MR RIZZO: I know we need to talk about land along the ocean that is subject to tidal influence. Storm surges are a big issue today. There are plans to protect against that for the years 2050 and 2070. I don't know how this would apply because it is a little more inland. It is certainly tidal. That

is something to consider when you folks come back with a plan. Maybe we can have a discussion on that.

MR AKERLEY: We will definitely make a note of that.

Summary: The following resource areas were accepted as accurate on the plan submitted for review: Bordering vegetated wetlands (A Series flags) and associated buffer zone, FEMA AE Zone (Land Subject to Coastal Storm Flow and local BZ), mean annual high-water line (MAHWL), riverfront (inner and outer riparian zones) to Waters River.

Motion to close the hearing as made by Mr. Athas. Seconded by Ms. Cavicchio. Adopted unanimously 5-0.

Motion to issue an ORAD accepting wetlands and resource findings BUT finding the ORAD does not establish the limit of previously degraded riverfront. The ORAD specifically approves the wetland boundaries delineated as listed above. Previously degraded riverfront areas will be decided under the NOI process as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 5-0.

Although the item was closed the commission allowed an audience member to speak after the item was closed and voted on.

Susan Smoller

MS. SMOLLER: I think it is wonderful that we are talking about the Waters River. How we can beautify it and make it more accessible. I also hope that as we talk about these rivers, we talk about climate reduction strategies that you are going to embrace or require especially in a location like 60 Pulaski Street right next to two existing Peaker Plants and a third proposed. If you are going to beautify this area, beautify it with climate capture and wind walls. Things that might help reduce the carbon in the air. Given where we are in today's world any public project that goes forward should require Climate Reduction Strategies incorporated into their plan. That is what I wanted to say.

NOTICES OF INTENT

8. A continued Public Hearing on a Notice of Intent submitted by Ann Marton (LEC Environmental Consultants, Inc.) for R.J. Kelly Management LLC. The owner is Analogic Corporation (Andrew Prete). The proposed work is the redevelopment of the property as a storage warehouse facility including razing and removing all existing buildings and infrastructure and constructing a new state-of-the-art storage warehouse building with internal circulation, parking, loading facility, supporting infrastructure. The property is known as 8 Centennial Drive, Map 91, Lot 6, Peabody MA.

Present: Ann Marton (LEC), Scott Cameron (The Morin-Cameron Group, Inc.) and Shawn Smith (RJK)

Summary: Chairman Lazares stated the plans were revised on March 1 and emails were being circulated the day and week of the hearing. He offered a special hearing for the property stating he has not had time to read the new submissions. The applicant refused stating the late submittals were peer reviews and city department memos. **Discussion ensued.** Mr. Rizzo did not feel comfortable with the soil samples not being complete at the time of voting. He was concerned that the stormwater design may need to change if they do not get the results they are hoping for. **Discussion ensued.** The chairman still did not want to vote on the design because he has not had time to review new paperwork. Ritamarie felt she did not have time to review the new

paperwork as well. **Discussion ensued.** The applicant and the consultants persisted until a motion was made. No members of the public wished to speak for or against the project.

Motion to close the public hearing as made by Mr. Rizzo. Seconded by Ms. Green. The motion passed 4-1 with Mr. Athas **not** voting.

Motion to issue a standard Order of Conditions 1-50 adding the following conditions: **50)** As Built Plan is required when requesting a Partial or Full Certificate of Compliance, **51)** A saturated hydraulic conductivity test prior to construction once the applicant has control of the property, **52)** Final signed O&M Plan to be provided to ConComm when filing a partial or full Certificate of Compliance. See conditions 60 and 70, **53)** Signs along the resource stating "Environmentally Sensitive Area/No Disturb Zone/No Snow Storage" are in perpetuity (see detail and spacing for approval), **54)** Subject to all requests/memos made by Horsley Witten Group as a third-party peer review for Planning Board/City, **55)** Supplemental Buffer Zone Restoration Plan dated 3.7.22 drafted by LEC- Ann M Marton. The Applicant shall restore 19,560 square feet of Buffer Zone to the BVW in the western portion of the project site with a pollinator seed mix as depicted on the Buffer Zone Detail Sheet C-31, the Landscape Plan Sheets LL-1 and LL-2, and according to the Seed Mix Notes provided on Landscape Plan Sheet LL-6. SHALL REMAIN IN PERPETUITY, **56)** The O&M Plan is in perpetuity and maintenance reports MUST be submitted via email to lucia.delnegro@peabody-ma.gov or current staff once system is online annually starting on 10.31. (APPENDIX F: LONG TERM BEST MANAGEMENT PRACTICES O&M PLAN-Pages 1-6 final revision date of 2.25.2022), **57)** PRECONSTRUCTION MEETING required before any work commences including site preparation, **58)** QUARTERLY PROJECT UPDATES are required once work commences. They shall be emailed to conservation staff at lucia.delnegro@peabody-ma.gov or current staff, **59)** The wetlands shall remain free of debris throughout the construction/development, **60)** As part of the FINAL O&M Plan- The street sweeper type and frequency will be decided during the Certificate of Compliance process. A vacuum sweeper was the preferred type at the 3.9.2022 hearing. See condition 70 for further condition on O&M.

DPS/ENGINEERING CONDITIONS: **61)** Additional soil testing shall be conducted within the area of all the following subsurface retention systems: 1, 2, 3 and 5. The soil testing shall be conducted by a Massachusetts licensed soil evaluator and witnessed by the Public Services Department. A minimum of three tests pits are to be conducted in systems #1, #2 and #3 and five test pits in system #5. This testing shall include conducting deep observation holes to document soil texture, the estimated seasonal high groundwater elevation and depth of refusal. In addition, saturated hydraulic conductivity testing shall be conducted in the above-mentioned systems, **62)** All retention basins shall be set at a minimum of 24-inches above the estimated seasonal high groundwater elevation and 36-inches above bedrock, **63)** A groundwater mounding analysis shall be submitted for all retention basins that are to be installed within 4-feet of the estimated seasonal high groundwater (based upon the additional soil testing that is required), **64)** Additional soil testing shall be conducted within the area of subsurface detention system #4. The soil testing shall be conducted by a Massachusetts licensed soil evaluator and witnessed by the Public Services Department. A minimum of three tests pits shall be conducted in this system to document the estimated seasonal high groundwater elevation and depth of refusal. Based upon the findings of this testing, it will then be determined if this basin needs to be lined, **65)** In addition to soil testing, a bed bottom inspection of the detention basin and all 4 retention basins shall be conducted by the applicant's licensed soil evaluator and this Department, **66)** The applicant shall include a 4th at grade access port for the Retain-It systems. This port is to be in the southwest corner of the westerly system and the northeast corner of the easterly system, **67)** The applicant shall provide gates to access the following basins: 1, 2, 3 and 5. The gates shall have signage stating that no snow storage is permitted beyond the fence, **68)** The area of the retention basins shall not be used for stockpiling or in a way that may negatively impact their ability to properly operate in the future. Any temporary/construction sedimentation basins constructed in the area of the retention basins shall be approved by this department, **69)** At least

30 days prior to commencing land disturbance activities, the applicant shall provide copies of the following documents to the City: a) Signed Stormwater Pollution Prevention Plan
b) Signed Construction Operation & Maintenance Plan c) Construction Schedule, **70)** Prior to seeking a Certificate of Compliance, the applicant shall provide the City with a signed Final Operation & Maintenance Plan. THE O&M PLAN BUDGET MUST BE SUBMITTED TO THE CONCOMM AT THE TIME OF A CERTIFICATE OF COMPLIANCE REQUEST AS WELL.

71) A signed Illicit Discharge Statement shall be provided to this Department prior to the drainage system coming online, **72)** The property owner shall mail proof of inspections and cleaning of the stormwater system to the Public Services Department c/o Environmental Engineer, 50 Farm Avenue, Peabody, MA 01960 and via email to conservation staff as listed above (cond.# 56) by October 31st of every year and is to retain a copy for themselves. This condition should run in perpetuity, **SPECIAL CHECKLISTS:** Checklist C – Storm Water Management 1. No construction of buildings shall take place until such time as the stormwater management facility is built. Said facility shall be constructed in accordance with all approved and attached plans and maintained in accordance with the Operation and Maintenance Plan. 2. All elements of the storm water management system on site, including berms and vegetative cover, shall be maintained in a condition to prevent filling or alteration of wetland resource areas by erosion and sedimentation, or flooding of adjacent properties. If the system proposed under this Order/Permit causes erosion and sedimentation or other alteration of wetland resource areas, it shall be modified by the owner under the direction of the Commission, Checklist E – Performance Bond 1. Prior to the commencement of demolition or work on site, a bond shall be posted with the Commission in the amount of \$20,000.00 for the Buffer Zone Restoration Plan. Checklist F – Commercial Projects – Administrative 1. Prior to construction, the applicant shall inform the Conservation Commission in writing of the name(s) address(es) and business and home numbers of the project supervisor(s) who will be responsible for insuring performance of all sedimentation and erosion control measures, wetland alteration and replication aspects of the project. 2. Commencing with the issuance of this Order and continuing through the existence of same the applicant shall submit to the Conservation Commission a written progress report every two months detailing what work has been done in or near the resource areas. Checklist G – Large Commercial Projects – Erosion / Sedimentation Control 1. The drainage system, (replication area and compensatory storage areas if applicable), shall be constructed during the initial phase of the project so that they may be functional during construction. Said structures shall be kept free of silt and debris to ensure their proper operation. All drains shall be maintained until construction is completed. 2. There shall be no stockpiling of soil or other materials within 100 feet of any resource area. Haybales shall be placed around the stockpiled material. 3. Stripping of vegetation, clearing and grubbing of trees, grading or other soil disturbance shall be done in a manner that will minimize soil erosion. To the extent practical, limited portions of the area should be cleared at one time to allow construction to proceed and the area to stabilize within the buffer zone. 4. Upon completion of construction and grading, all disturbed areas located outside resource areas shall be stabilized permanently against erosion. This shall be done either by sodding or by loaming, seeding, and mulching according to Soil Conservation Service standards. If the latter course is chosen, stabilization will be considered once the surface shows complete vegetative cover has been established. Checklist H – Large Commercial Projects – Fueling /Equipment Storage, 1. Servicing and storage of equipment (including, but not limited to refueling, changing, adding, or applying lubricants or hydraulic fluids) shall be done in areas in excess of one hundred (100) feet from all resource areas, as shown on the plans. Such equipment must be maintained to prevent leakage or discharge of pollutants. Overnight storage of equipment must be a minimum of fifty (50) feet from such delineated resource areas, 2. Used petroleum products from the maintenance of construction equipment and construction debris shall be collected and disposed off-site. No on-site disposal of these items is allowed, 3. During and after the work on this project, there shall be no discharge or spillage of fuel, oil, or other pollutants into any resource area. Checklist I – Large

Commercial Projects – Drainage System & Roads, 1. All effluent catch basins shall contain oil/gasoline traps and it shall be a continuing Condition of this Order, even after a Certificate of Compliance has been issued, that the oil/gasoline traps in the catch basin be maintained. 2. All elements of the storm water management system on site, including berms and vegetative cover, shall be maintained in a condition to prevent filling or alteration of wetland resource areas by erosion and sedimentation, or flooding of adjacent properties. If the system proposed under this Order/Permit causes erosion and sedimentation or other alteration of wetland resource areas, it shall be modified by the owner under the direction of the Commission. 3. All streets and drives shall be kept clear of debris and dirt. 4. No road salt, sodium chloride, or other de-icing chemicals shall be used on paved surfaces, and any arrangement for snow removal shall so stipulate due to the importance of the site and wetlands to the groundwater supply. Permanent signs designating the “No-salt Zone” shall be displayed in prominent locations, Checklist J – Dewatering 1. Any dewatering activities on the project site in which water will be released to Resource Areas shall make use of a settling pond or similar device to remove sediment before water is released.; also including the following **FINDING**: The project is anticipated to be completed over several years to relocate the existing tenant, demolish the existing structure and construct the new facility. To accommodate this extended time-period, this Order of Conditions has been issued for 5 years and will expire five years from the issuance date as shown on the first page of the WPA Form 5 in section 7. Dates c. Date of Issuance. If the Applicant is unable to complete the project prior to expiration of this Order of Conditions, the Applicant may file a Request for Extension Permit to complete the project as made by Mr. Rizzo. Seconded by Ms. Green. Adopted 4-0 with Mr. Athas **not** voting.

9. A continued Public Hearing on a Notice of Intent submitted by Sean O’Neill (applicant). The owner of record is OHC Walnut Place LLC. The proposed work is the construction of a duplex condominium within Bordering Land Subject to Flooding. The property is known as 10 Munroe Street, Map 85, Lot 2H, Peabody MA.

Motion to continue to April as made by Mr. Rizzo. Seconded by Ms. Cavicchio. Adopted unanimously 5-0.

10. A continued Public Hearing on a Notice of Intent submitted by Sean O’Neill (applicant). The owner of record is OHC Walnut Place LLC. The proposed work is the construction of a duplex condominium within Bordering Land Subject to Flooding. The property is known as 12 Munroe Street, Map 85, Lot 2L, Peabody MA.

Motion to continue to April as made by Mr. Rizzo. Seconded by Ms. Cavicchio. Adopted unanimously 5-0.

11. A continued Public Hearing on a Notice of Intent submitted by William Manuel (Wetlands & Land Management, Inc.) for Regency Realty Trust-Alfred Dimambro (Trustee). The proposed project is the construction of two buildings and site improvements paving, utilities etc. in riverfront to the North River. The property is known as 11-13 Wallis Street, Map 85, Lot 41A, Peabody MA.

Present: Attorney Phil Durkin (legal counsel for applicant)

Summary: The item has been on the agenda since April 2021 with no movement or revised paperwork as requested by MASSDEP and the local commission. The commission discussed the peer review and requested a check be submitted to the city on or before March 30 if they wish to keep the item on the agenda. Attorney Durkin agreed to drop a check off at city hall before the deadline.

Motion to continue to the April hearing and requiring the third-party peer review check and revised plans/documents if applicable to be dropped off at city hall on or before March 30, 2022, as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 5-0.

12. A Public Hearing on a Notice of Intent submitted by Tighe & Bond Inc. (Melissa Coady) for Peabody Monofill Associates, Inc. (Steven Melloni-applicant) and City of Peabody Municipal Landfill (owner). The project involves Phase I & II of the landfill closure of the Peabody Monofill Ash. The proposed work includes grading the existing surface, including filling with onsite materials or importing approved materials as necessary to obtain the proposed subgrade for the cover system. The property is known as 0 Forest Street/40 Farm Ave, Maps 69/79, Lots 005/002, Peabody MA.

Present: Melissa Coady (T&B), Dennis Moran (T&B) and Jaclyn Caceci (T&B)

Summary: Ms. Coady gave a brief overview of the project. The project involves Phase I & II of the landfill closure of the Peabody Monofill Ash. The proposed work includes grading the existing surface, including filling with onsite materials or importing approved materials as necessary to obtain the proposed subgrade for the cover system. The work is proposed in local wetlands buffer zones only. The item was open to members of the public.

Bill Bakinski [sic.?], Ledgewood Way

BILL: I hope the operators have plans for eternity to monitor it. I am not a landfill person, but I am concerned about the water table 500 years from now. Maybe I am out of order but that is all I have for now. Thank you.

Motion to close the public hearing as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 5-0.

Motion to issue standard Order of Conditions adding the following special conditions: **51)** Erosion controls shall be inspected by ConComm staff before work can commence as stated in condition 27b above, **52)** In areas where access roads are to be built and/or modified the applicant will ensure that roads will be graded and drained properly so as not to hold standing water after precipitation events. Yearly inspection and repair of potholes (puddling) should be undertaken, **53)** The applicant shall supply a full set of as-built drawings to the engineering department of DPSS upon completion of the improvements and before the Certificate of Compliance, **54)** Due to the high elevation of the worksite vs. the surrounding topography, the applicant should monitor windspeed and direction and set limits as to what conditions that would prohibit work due to that work producing excessive dust from site to neighboring properties, **55)** Consideration should be given to noise generation from the site. Background noise should be determined, and work staged so that excessive noise does not reach neighbors as made by Mr. Rizzo. Seconded by Ms. Green. Adopted unanimously 5-0.

13. A Public Hearing on a Notice of Intent submitted by Attorney John R Keilty for Michael Buonfiglio. The proposed work is the redevelopment of a former leather factory site. The property is known as 49 Tremont Street, Map 76, Lot 402, Peabody MA.

Present: John R Keilty, Esquire (legal counsel for applicant)

Summary: The commission asked for a site walk and a revised Riverfront Enhancement Area Plan. The commission felt they could not vote this evening.

Motion to continue to April hearing as made by Ms. Green. Seconded by Ms. Cavicchio. Adopted unanimously 5-0.

14. A Public Hearing on a Notice of Intent submitted by Williams & Sparages LLC (Gregory Hochmuth) for JDT Group LLC (applicant). The proposed work is the construction of a commercial building, parking area, modular block retaining wall within 100 feet of Lands Subject to Flooding. The property is known as 25R Newbury St (aka 0 Newbury), Map 88, Lot 007, Peabody MA.

Present: Gregory Hochmuth (W&S), Rick Salvo (Engineering Alliance, Inc.), Richard Bennett (applicant) and John R. Keilty, Esquire (legal counsel)

Summary: Mr. Hochmuth gave a brief overview of the project considering the time. There were no comments from the public.

Motion to close the public hearing as made by Ms. Green. Seconded by Mr. Rizzo. Adopted unanimously 5-0.

Motion to issue a standard Order of Conditions 1-50 adding the following special conditions: **51)** Signs along fence/retaining wall shall read "Environmentally Sensitive Area-No Snow Dumping" and they shall remain in perpetuity, **52)** Operation & Maintenance Plan listed above is in perpetuity. Maintenance logs shall be submitted annually on 10.31 via email to city conservation staff once the stormwater system is online, **53)** The Buffer Zone Enhancement Area as shown on Sheet L-1 MUST be done at the same time as the original groundwork commences. A Partial or Final Certificate of Compliance will not be issued until said plantings are installed.

Engineering DPS Conditions: **54)** Bed bottom inspections need to be conducted on the Perforated Pipe Trench that will be installed (prior to the fabric and stone being installed) by the applicant's design engineer and licensed soil evaluator. The inspection should be witnessed by this department, **55)** The water and sewer lines that will be installed (outside of the plumbing departments purview) must be inspected by a representative of this department before the trench is closed, **56)** The applicant's water line shall be chlorinated and pressure treated. All testing results shall be submitted and approved by this department prior to activating the new section, **57)** The new sewer section shall be tested for water tightness in the presence of this department. **58)** Hydrant flow test should be performed by an approved contractor and coordinated with the water distribution department of DPS to ensure that the area has appropriate fire flow, **59)** Water services for the building will be tied into the water main on Newbury Street rather than the line in the right of way, **60)** Observation ports for each end of the perforated pipe shall be installed and shown on the plans, **61)** Fencing shall be installed on the wall with appropriate signage to prevent dumping of snow in the resource area, **62)** Applicant should have design installation of the modular block wall system reviewed and stamped by a structural engineer due to its proximity to the proposed sub surface drainage system and building, **63)** The applicant shall supply a full set of As Built drawings to the engineering department upon completion of the improvements and before an application for a Certificate of Compliance is granted as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 5-0.

ENFORCEMENT ORDER/VIOLATION ORDERS

15. Violation Order issued to Mario Chaves Lopez for the alleged violation: altering buffer zone/local riverfront groundwork without a permit from the Conservation Commission or MASSDEP. The address is known as 156 Goodale Street, Peabody MA.

Motion to continue as made by Mr. Rizzo. Seconded by Ms. Cavicchio. Adopted unanimously 5-0.

16. A continued discussion on a Violation Order issued to M&R Trucking and Paving for the alleged violation: Washing fleet trucks with soap in riverfront and draining the water contents directly into the river with no treatment or permission from the local commission or stormwater committee. The address is known as 119 R. Foster St., Peabody MA.

Motion to continue as made by Mr. Rizzo. Seconded by Ms. Cavicchio. Adopted unanimously 5-0.

17. A continued Enforcement Order issued to Pedro Polini for work located at 60 Warren Street Extension. The property owner has done various projects in riverfront without a permit from the commission. The most egregious issue is the failing retaining wall, and the stormwater drainage pipes into Proctor Brook.

Motion to continue as made by Mr. Rizzo. Seconded by Ms. Cavicchio. Adopted unanimously 5-0.

OTHER AND DISCUSSION ITEMS

- **MINUTES- January 12 and February 9, 2022 remotely held TBD**
- **Adjournment**

Motion to adjourn as made Mr. Rizzo. Seconded by Ms. Cavicchio. Adopted unanimously 5-0.

The meeting adjourned at 11:38 PM

Respectfully submitted, (To be signed electronically)

Chairman Stewart Lazares