



City of Peabody
Conservation Commission

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

MINUTES

JUNE 13, 2018
DEPARTMENT OF PUBLIC SERVICES
50 FARM AVENUE

MEMBERS PRESENT

Vice Chairman Bruce Comak
Melissa Feld, Secretary
Stewart Lazares
Bryan Howcroft
Travis Wojcik
Gerry Kruczkowski

MEMBERS ABSENT

Chairman Michael Rizzo
Craig Welton

Also Present: Brendan Callahan, Assistant Director of Planning; Lucia DelNegro, Conservation Agent

VICE CHAIRMAN COMAK CALLED THE MEETING TO ORDER at 7:06 pm

PROPOSED NEXT MEETING DATES- July 25, 2018 AND September 12, 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.**

NOMINATIONS

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

Item continued until the July hearing.

CERTIFICATE OF COMPLIANCE

1. A 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 Ms. Feld. Seconded by Mr. Howcroft. Adopted unanimously.

2. A request for a PARTIAL Certificate of Compliance made by Kelly Killeen for Herb Chambers Companies on DEP File No. 55-838. The property is known as 202 Newbury Street, Map 36, Lot 35, Peabody MA.

Present: Kelly Killeen (CHA)

Discussion ensued. The applicant will be back for a Full Certificate of Compliance once the vegetation has grown in.

Motion to issue a Partial Certificate of Compliance contingent on the signs being installed adding the following wording to the CC: Partial CC is being issued so the property owner may obtain an Occupancy Permit, the O&M Plan is in perpetuity and condition #54 signs shall be erected along the perimeter of resource area as made by Mr. Lazares. Seconded by Mr. Wojcik. Adopted unanimously

ORDER OF CONDITIONS

3. A Public Hearing on an AMENDMENT to an Order of Conditions DEP File no. 55-808 submitted by City of Peabody Department of Community Development and Planning, Brendan Callahan. The proposed amendment request is the addition of a small boat ramp in the park design at Crystal Lake and selective tree removal along Lowell Street. A dewatering plan for the boat launch will be submitted with the Amendment request. The property is known as Lowell Street and Crystal Drive, Map 24, Lot 77X, Peabody MA.

Present: Brendan Callahan, (Assistant Director of Planning)

Summary: Mr. Callahan gave a quick review of the additional work proposed at Crystal Lake.

Discussion ensued. The item was open to members of the public.

Fred O'Sullivan, 622 Lowell Street

MR O'SULLIVAN: I live on Lowell Street but at the corner of Taylor. My beef is what they are doing with the vegetation. So far, they are wonderful, but they haven't come around the corner yet onto Taylor Street. I think for all the money that the government put into this thing. If you are coming down Lowell Street west this is the other side of Route 1 in West Peabody. Right straight ahead is Lake Street. If you are just driving and looking at the cars in front of you and you can see Crystal Lake in the winter. In the summer you can not see it. It is like the Fenway Park wall

you know. Here it is recommended on Taylor Street. It needs to be straightened out. They put belts around a lot of the trees. They haven't followed through with anything.

MR CALLAHAN: Correct. The vegetation removal you saw on the Lowell Street side by the Big Y. that was part of the dredging contract. What we are asking for here is to continue that same type of clearing all the way to Taylor Street as you see on the plan. It is a separate contract so now that phase of the work has commenced. It is part of the park project that is going by the Bike path. This tree removal is part of that contract. There are two separate contracts.

Discussion ensued.

David Pelletier, Crystal Drive

MR PELLETIER: While I have no concern about the boat ramp itself I am concerned with how they will get access to the boat ramp. What are your plans for parking? What are your plans for small cars or trucks that come in with a trailer there? Where are they going to unload the boat to get to the boat ramp?

MR CALLAHAN: There is no parking. There is no unloading as of now.

MR PELLETIER: I know what you are saying but guess where they are going to go? They are going to go on Crystal Drive. A road that is already a one car road that is blocked half the time with cars coming in and out.

Discussion ensued. The resident told the commission that Crystal Drive is a private drive and not a city street. The commission respectfully reminded the residents that their jurisdiction is limited to wetlands, flooding and wildlife. Mr Callahan said he would follow up with the residents regarding the issues that were raised in reference to the unloading and loading of boats potentially on Crystal Drive. The residents were also worried about traffic on Lowell Street in the summer months. They stated emergency vehicles have a hard time getting by. The commission agreed all the concerns raised were legitimate issues. They could not be fixed at the ConComm meeting.

Bob Johnson, Sumco Eco Contracting

MR JOHNSON: The super sacs (inaudible) just put those in its just a small boat ramp. Six mill polyester and a piece of pipe in the ground (inaudible).

Jack McMahon, 8 Cobb Avenue

MR MCMAHON: Last time we had a problem with muck. They were supposed to be pumping into a bag. The bags got used for one day. The silt curtain sat in the mud for the whole project. We have about ten thousand (10,000) of the fifty thousand (50,000) cubic yards of muck. We got it in Elginwood Pond. There about half a dozen neighbors here from Elginwood Pond. We are disgusted with what happened with the dewatering down there and we don't want to see it happen again.

Discussion ensued regarding the proposed boat ramp.

Joseph Bono, 4 Crystal Drive

MR BONO: As of the previous project, is there going to be anything done with the muck that was left behind? We were told that was part of the project and that Elginwood would get dredged also.

MR CALLAHAN: That is outside of my project scope so I don't have the details.

MR BONO: Wouldn't the first original contractor have to clean it up for faulty (cut off)

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MR CALLAHAN: I don't know what the contract...I wasn't part of that contract. I don't know the details. I can't answer that question.

MR MCMAHON: Who is overseeing this phase?

MR CALLAHAN: I am overseeing this phase.

MR MCMAHON: Is Tighe & Bond involved in any way shape or form?

MR CALLAHAN: Tighe & Bond is the engineer that did the design work for the project.

MR MCMAHON: I think you should have a look at Tighe & Bond. I think they were negligent.

MR BONO: They used the wrong barrier. They are using the right ones now. The white ones. They were using the orange ones which are not to code. They were pumping it into a bag that wasn't even being used or emptied. It melted down into the (inaudible) and just stayed there. It was never pulled out. The silt bags they used for two days and then they abandoned them. Muck was just shooting off to my side of the property. I actually had to put logs there. I just removed it because conservation had contacted me.

MS DELNEGRO: Oh, that was you. Sorry. Hi. You should have told me that was the reason.

MR CALLAHAN: I can't speak to what had happened with the dredging project. Sumco seems to have a good plan in place. Sumco rose to the top of our pile because of their vast experience with cofferdams. That was actually as part of our bid package that was a key to awarding the project to Sumco. Their experience with cofferdams.

MR BONO: We were concerned with more muck coming in. We actually had a nice body of water back there (at Elginwood). We would like to see it get cleaned up. At least halfway through to where the muck was.

RESIDENT: I have been here ten years. I used to be able to get out there in a canoe no problem. I can't even get out there with a skiff. I can't maneuver around all the growth in there.

MR BONO: Last year was the first year that the swans didn't have offspring. They were stuck in the muck. This year they are back.

Discussion ensued.

MR MCMAHON: We were mostly concerned with the cleanup. We saw it happening. They were pumping mud. The turbidity curtains were sitting in the mud the whole time with a channel underneath. I called the manufacturer of three different companies. One laughed at me. The other two said they are not designed for that. They are floating silt curtains. Not floating on mud. It was a bad design and it wasn't thought out. You can't put those curtains in a foot of water. There is no water there anymore, so it doesn't matter. If we get anymore silt or mud down there Elginwood Pond is going to be Elginwood Park.

MR CALLAHAN: Your comments are noted. I will follow up with the project manager from the dredging project. I don't know what the status is of removing whatever.

MR BONO: You need to get it back to what it was. We used to have ducks swimming right up to that side of the pond. You don't even see them anymore. You will see them if the water is a little high after a rain storm or something.

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MR MCMAHON: There is no water left there.

MR WOJCIK: Is this right on the side of the bike path? The Elginwood side?

MR MCMAHON: Right where the drain goes through. You used to be able to canoe right up to the outlet. It is just mud. You will bottom out.

MR WOJCIK: I know I was on the bike path today and it didn't look very good.

Discussion ensued. Residents stated there are not fish in Elginwood anymore.

MR COMAK: Not to cut anyone short but I think this was brought to our attention last year while the project was going on. We got a memo from Tighe and Bond that it was because the water was low.

MR MCMAHON: Respectfully that memo was not worth the paper it was written on. She went down there and she eyeballed it. She responded to all of our questions. I think her name was Melissa. We have recourse. Geosyntec actually did a survey about eight or maybe ten years ago. We have the bottom level (bathymetry). We are going to get it surveyed. We will be able to tell exactly where the bottom was and where it went to. I think you guys are going to be shocked when you hear. To just give her opinion about the levels. You can't just eyeball that. You know that as well as I know that. It is virtually impossible. We kayak and canoe on it all the time and we know. We live there. We know the water levels. We know better than the expert Tighe and Bond. I don't think they did this project any justice. To just eyeball it and give an opinion; that is all it is an opinion. We would really like to see an engineer go out there and have the city pay for it. Shoot the bottom in five different places and let us pick where they are. We would be happy. I think you will be shocked when you see it.

MR COMAK: You got that Brendan?

MR MCMAHON: I was up to my chest in mud. There were no leaves, sticks or anything just pure silt. It was brand new. I almost couldn't get out. I was tied to a tree in his backyard. It is all brand new. If you go down the other end there is all twigs, leaves, peat and layers of everything different. This is just straight one layer of silt. They used an excavator to clean it out. I am estimating they got out forty (40) feet with the excavator arm? That is the only cleanup they did. They sat in the road used the excavator arm as far as it could reach. Packed up their gear and took off. Beyond that excavator that is where it starts and it goes out. You will see some reflectors out there. They are probably one hundred and seventy feet off shore. They are almost buried completely in silt now. It is horrific. We can answer this for everybody with an engineer. Not Tighe and Bond. We need an independent engineer to go out there and survey it. We have the bottom levels, so we know. It doesn't lie. We don't care where the water level is. We want to know the elevations of the bottom area (bathymetry).

MR CALLAHAN: I can go back and talk to the folks.

Discussion ensued about the boat launch.

MS DELNEGRO: I have a question. Is Melissa (Tighe and Bond) here?

MR CALLAHAN: Melissa is not here.

MS DELNEGRO: She said she was going to get back to me. The first gentleman that spoke that was extremely excited about the trees and the vegetation coming down (near Taylor). I am not as

enthusiastic as him. I was out there. I helped Brian Grant (tree warden) tag the trees that we are saving. The trees that are tagged are the only ones being saved. Everything else, from what the contractor told me, is coming out. Everything. All the understory. So, we maybe will have thirty trees over there. Thirty trees on that huge strip right there with no understory right to the water with no erosion controls. When I was out there or at least what I remember was there was dirt. The understory wasn't allowing anything to grow under it. There was spotty patches of crab grass and dirt. If we are just going to deforest that entire area selectively leaving a few trees; I am afraid we are going to get a rain storm and all that soil is going to go into Crystal Lake.

MR COMAK: I don't believe, from what I remember because I read the specs pretty carefully, I don't believe they are grubbing any of the trees. I believe they are just cutting the trees down.

MR CALLAHAN: No grubbing.

MS DELNEGRO: But they are ripping out all the understory. The kid said they are coming in with a machine. I saw the machine and I have a video of the machine. It is pretty spectacular. We were out there for a good hour. One hour and a half maybe two hours. That was what I got out of it. If you guys all feel warm and fuzzy that we won't have an erosion problem; that is fine. I wanted to bring it up and go on record. Those are my feelings.

MR WOJCIK: I would like to know how many trees are getting cut down. This plan just shows us the area that is getting chopped up.

MR CALLAHAN: Basically, the way it is being described is the cutting of the underbrush, removing dead and dying trees, pruning branches from the lower portion of trees. This work includes no ground disturbance and the root systems will be left in place. Stabilized the slope.

MR WOJCIK: When I went out there today they were already trees cut down on the far side for an outlook on the peninsula. I am a little concerned that all of this work that is going on is for people to look at. Opposed to cleaning the pond up and getting the algae out of there so the wildlife can flourish. I saw two beaver stumps right next to the trees that were cut down. We are obviously encroaching on their habitat. The whole reason why the eutrophication was a problem was because all this stuff is running off the streets and the impervious surfaces and going right into the pond.

MR CALLAHAN: To address that as a separate project. I haven't seen the plan in months but they are installing several catch basins along Lowell Street to catch the runoff. I advocated for that from the beginning. Saying guys if we are going to dredge this thing we need to get the material from getting back into the pond. They are installing at least four maybe half a dozen catch-basins in the vicinity of that section of Lowell Street. There is another piece of the project that does include stormwater management coming off Lowell Street.

Discussion ensued.

Motion to close the public hearing as made by Ms. Feld. Seconded by Mr. Wojcik. Adopted unanimously.

Motion to approve the Amendment request as made by Ms. Feld. Seconded by Mr. Lazares. Adopted unanimously.

NOTICE OF INTENT

4. A continued Public Hearing on a Notice of Intent submitted by John R Keilty for Joseph Cannata (property owner). The proposed work is the construction of a single-family dwelling with appurtenant driveway, deck, walkways and utilities. The property is known as 0 Arnold Avenue, Map 73, Lots 102, 103 &104, Peabody MA.

Present: Attorney John R. Keilty (legal counsel) and Christopher Mello (ELSAI)

ATTY KEILTY: This was a matter that was heard last month. We continued the matter in order to have a site visit. That site visit was held. Several members of the commission ask that we address certain issues in particular. We have modified a plan however I am not sure if the members have that modification.

MS DELNEGRO: They just got it.

ATTY KEILTY: We tried to incorporate all of the measures that were requested and suggested at the time of the site visit. We have beefed up our landscaping. I think there is an issue of whether we can get bigger trees. Chris might want to speak now.

MR MELLO: What we proposed is a series of blueberry bushes around the stormwater management facility and some flowering sweet pepperbush around the property line. We called out the largest ones that I think were available through the local nurseries. Also, as we talked about on our site visit we put crushed stone underneath the deck for infiltration. We put a proposed driveway with concrete pavers detail in front of the house. Those are the four things we discussed. I would be happy to entertain any questions, any observations or any suggestions.

MR COMAK: You are not going to want to hear mine.

MR WOJCIK: I have one question. Will there be a sump pump? Is that going to go into the swale?

MR MELLO: There is no call for a sump pump. We are above the groundwater. If they do have a sump pump or someone wanted to put one in I would say that would be a smart choice.

Discussion ensued. Mr. Comak asked for more plantings. The surveyor agreed.

MR COMAK: I don't want pavers in the driveway. I want pervious pavers in the driveway. Concrete pavers are technically not pervious.

Discussion ensued. The applicant's representatives agreed to use porous pavers.

Jennifer Morrical, 20 Arnold Avenue

MS MORRICAL: I am an abutter. The shrubbery that are "A"s are those being put there because we need more to absorb water because this might not work?

MS DELNEGRO: I don't know. The swale will direct the water anyways. I would say that the blueberry bushes will suck up some water. To replace the pine tree that is being removed.

MS MORRICAL: Those and the "B"s? Those are to absorb also?

MS DELNEGRO: They have much larger root systems compared to grass. Grass root systems are teeny tiny.

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MS MORRICAL: So those three elements; the “A”s, the “B”s and this basin (whatever this is) should hold back the water?

MS DELNEGRO: Hopefully it will direct the water away from your property into the wetlands. If it goes toward your property hopefully those plants have enough of a root system to absorb it.

MR COMAK: I think the plants are there more to give you a screen and to absorb. They will also give you more of a screen. That was the idea. The blueberry bushes will absorb some water. They will also hide the basin. You do not want to look at that anyways.

Discussion ensued.

James Retos, 20 Farnham Avenue

MR RETOS: I have got water once in eight (8) years. If I start to get water who do I go to? Do I go to conservation for approving it? Do I go to the city? Who will I go to for help?

MR COMAK: With all due respect that is why we did a site visit. That is why I asked for the pervious pavers and crushed stone under the deck. With the amount of water that will be coming off this roof, that is all the impervious there is, it will be piped. It will be piped to that area. I am not saying that you couldn't get water. It probably wouldn't be from this. It is such a small area I don't think it can affect it. I don't think this will affect it.

MR RETOS: My other issue is the location. Lucia and I spoke about it being directly in front of my house. At what point can that be addressed?

Discussion ensued

MR RETOS: So, it is okay for it to be in front of my house but not in the buffer zone?

Discussion ensued regarding the location of the proposed house and the buffer zone.

MS DELNEGRO: I think the only board that would have jurisdiction over that would be Zoning. I don't think they have to go in front of ZBA. We can't control how many windows or anything like that. They don't have to go in front of zoning.

MS MORRICAL: Does this get built first before this happens?

MR COMAK: Good question. Does the detention basin get built first? Or are you going to build the house first or do this concurrent?

MR MELLO: I think where Ms. DelNegro was headed with the plantings being put in prior to a partial. We should also consider these stormwater components to be put in also. I think it should be conditioned that they should build that first.

MS DELNEGRO: Or at the same time. I think that is what we normally do. Either before or at the same time.

Discussion ensued regarding construction and the property owned by James Retos.

MS DELNEGRO: Mr. Retos, the only thing I can think of is maybe write a note to the building department and make sure that they file it in the building jacket. If something happens in a few years from now you would have that letter that you submitted. You want to make sure it gets into the building jacket. You might want to have it mailed certified. That way there will be proof that

you had this question and you were concerned that you could possibly flood down the line. That is really the only thing I can think of. Since it is a single-family house we don't really have jurisdiction on stormwater. It has to be five (5) houses or more or commercial property for us to have control over the stormwater.

Dana Shorey, 15 Arnold Avenue

MR SHOREY: I would like to thank you guys for making sure this is being done right. I appreciate that.

Motion to close the public hearing as made by Mr. Wojcik. Seconded by Ms. Feld. Adopted unanimously.

Motion to issue a standard Order of Conditions adding the following conditions: **48)** The plantings as shown (blueberry & sweet pepperbush) on the revised plan **MUST** be installed before the issuance of a Partial or Full Certificate of Compliance **49)** The proposed swale and energy dissipater must be installed **BEFORE** or at the same time as the foundation of the house; a certificate of compliance will not be issued until said work is complete **50)** An "As Built" plan is required when requesting a Partial or Full Certificate of Compliance **51)** The pervious pavers as shown on the revised plan must be installed instead of an impervious ground cover. Documentation of said product used on site is required. A receipt or invoice will be accepted. Contingent upon the applicant submitting a revised plan as discussed and made by Mr. Lazares. Seconded by Mr. Kruczkowski. Adopted unanimously.

5. A 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: Ms. DeINegro read MASSDEP comments aloud. The project currently does not meet stormwater standards to the full extent. Attorney Keilty requested that the commission hold off opening the public hearing. He asked for a one-month continuance.

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

ITEM #9 TAKEN OUT OF ORDER

9. Request from Attorney John R Keilty to release escrow funds held for DEP file No. 55-732. The project never commenced.

Motion to release funds held in escrow and any interest as made by Mr. Lazares. Seconded by Ms. Feld. Adopted unanimously.

NOTICE OF INTENT CONTINUED

6. Public hearing on a Notice of Intent submitted by Weston & Sampson (Mel Higgins) for Peabody Municipal Light Plant (Tony Martins). The proposed work is the construction of a fueling system and site drainage improvements. The property is known as 201 Warren Street Ext., Map 63, Lot 95, Peabody MA.

Present: Mel Higgins (Weston & Sampson-Wetland Scientist), Tony Martins (PMLP) and Daron Kurkjian (Weston & Sampson- Project Engineer)

Commissioner Howcroft recused himself from the discussion and vote.

MR KURKJIAN: This project is the replacement of a fueling system that has been in existence since the eighties. At the site there was a 100-gallon underground storage tank that was removed. Now we are going to put all above ground ground storage tank system. We are looking to make some site drainage improvements by repaving the parking lot area. Especially areas that have localized flooding. Adding some trench drains as well. It is a former rock quarry, so we have a very shallow bedrock. The fueling system that is being put in here for replacement is for the fleet of PMLP vehicles. It's going to be a split 5,000-gallon tank. Twenty-five hundred gallons of diesel and twenty-five hundred gallons of gasoline.

Discussion ensued.

MR HIGGINS: We are here tonight because we are within one hundred feet of an isolated wetland. It does not have the state jurisdiction, so we are here under the By-Law. The whole resource area is on the southern part of the site. It used to be a canal system. A Drainage system for the stormwater. It hasn't been maintained and over time it has evolved into a wetland resource area. There will be no work within the resource area itself only within the one-hundred-foot buffer zone. The work that is going to be within the buffer zone under the jurisdiction here is the fuel station. Half of the fuel station is going to be in it. There is an existing trench which acts as a conveyance for stormwater down into this stormwater outlet. It has been filled in and it doesn't work anymore. We are going to clean it out and widen it. It is four inches and we are going to widen it to twelve inches. We are also going to add another trench to lead stormwater. Some of that trench will be in the buffer zone and it is going to outlet to riprap to dissipate the flow of water. The reason that the stormwater measures are being put in place is because stormwater ponds in this area of the site right now. These improvements are just going to guide the stormwater back to these stormwater outlets back into this area. The way it was meant to be in the beginning. The work that is going to happen is only going to be in impervious areas. We are not going to work in a natural resource area. It is an already impacted area. The fuel tank itself it is not anything new. Like Daron said there was one there previously and we are just replacing it.

MR COMAK: The other one was in the ground? And this one is not in the ground?

MR HIGGINS: Yes. All the piping is above ground as well.

MS DELNEGRO: Does it have a lip around it? Almost like a bathtub? I worked on one project where a guy had an outdoor tank and he had a tiny little bathtub around it. It leaked on Christmas. It had a hole on the bottom. It got into Brown's Pond and it was this man's nightmare. It was residential. Believe it or not there are still residential that have them outside. That was my one question I had on this project.

MR HIGGINS: It is a double walled steel tank. It is going to have tank monitoring. There is a twenty-four-hour dispatch at PMLP as well. There is someone always on site. There are alarms both for fueling and any (inaudible) leaks that may occur.

MS DELNEGRO: What if the electricity goes out? I know it is PMLP and it probably won't go out, but you never know.

MR MARTINS: We have a generator for the whole building and it will also do that fuel system.

MS DELNEGRO: I shouldn't be worried about the containment but if god forbid fifteen years from now something happens. That is what happened to this guy's tank. We are in New England and it is outside. The bottom of the tank corroded, and he didn't know. He woke up on Christmas to a freezing house. All of his oil was in his backyard.

MR HIGGINS: This is much more heavy duty than residential.

MR MARTINS: We have someone on site twenty-four hours a day, seven days a week. It is going to be monitored. If there is a leak the monitor will call whoever he needs. It is going to be used every day. It is only for company vehicles, but we work seven days a week. Someone is going to be gassing up seven days a week. It is always going to be seen. If there is a leak it would be noticed pretty quickly.

MR HIGGINS: I think it is also ballistically rated. I don't think anyone is going to be shooting it, but you never know.

MS DELNEGRO: There were no comments from DPS. Actually, there comments were "DPS has no comments". I checked yesterday, and I didn't see any comments from DEP. I don't think they care because it is an isolated wetland and so far away from the riverfront.

The item was open to the public for comments.

Jack Stewart, 27 Watera Road

MR STEWART: Where exactly is it going to be located?

MR COMAK: It is in the exact same location as the old one, right? Within a few feet.

MR HIGGINS: The southeast most corner of the lot.

MR STEWART: How long since the previous tank has been used?

MR MARTINS: About a year. It was installed in 1989 the year we built the building. It got old and it is time to modernize it. Maybe a year a year and half maybe at the most we had it removed.

MR STEWART: At that point in time it was in use?

MR MARTINS: It was used every day. For a while we thought maybe we won't get our own fueling system. That is why it took a little while. During a major storm if the whole city is out we need to have a place where we can fuel up to help people. We got back on track and we should have our own fuel system.

MR STEWART: Will there be increased traffic from what there had been before? You have a history here but now you are going to have diesel and gas.

MR MARTINS: That is what we had before. It was separate tanks. Now it is going to be one tank split in the middle. It is just for company vehicles. No private vehicles. Company vehicles only.

MR STEWART: I am just obviously concerned about noise at all hours.

MR MARTINS: People will be driving in and driving out. There will be no difference. The same company cars that leave in the morning to help people will be coming at the end of the night fill the gas up. In the morning they will leave again. We certainly don't want to disturb anybody. No increased traffic at all.

Joyce Berube, 161 Lowell Street

MS BERUBE: I had a chance to speak with the gentleman before the hearing. I just want to say it out loud, so it goes on record. When they built the plant, they did an awful lot of blasting. Which created a lot of damage to the homes. We are from 161Lowell Street. When you are at the light plant and you look straight out. That is our house.

MR MARTINS: We specifically told Weston & Sampson we don't want any blasting.

Discussion ensued.

MS DELNEGRO: I will make sure that is in the record. No blasting.

Ron Christianson, 193 Lowell Street

MR CHRISTIANSON: If there were a rupture what is the capacity to capture any amount. In other words, you said it had a double walled tank. We know what happens with man-made things Is there more than that? Is it going to sit in a concrete liner or anything like that? Where will fuel go if it were to go over?

MR HIGGINS: We have the spill controls. Usually an environmental release of petroleum is when someone is filling it and not paying attention. Overfilling a tank. We have controls for that. There is an alarm when it is ninety percent full. There is a shut off valve when it is ninety five percent full. That has been engineered out. It is a double walled tank. If there was a leak the interior tank would signal an alarm.

MR COMAK: When he says double walled tank, it is encased in concrete.

MR HIGGINS: This is actually a steel tank.

Discussion ensued. The concrete and the double walled steel tank are rated exactly the same according to PMLP. Everything is above ground (pipes and tank).

MR STEWART: To elaborate on that. Is there a containment well? Again, we have some big trucks. If god forbid something goes wrong and somebody crashes into this thing. Is there a containment well? Or if someone crashes into it we have 25,000 gallons of oil going into the brook?

MR HIGGINS: There are bollards around the whole fueling system to prevent any vehicle collision with the tank itself.

MS DELNEGRO: Both of these people are kind of echoing what I am talking about. They said it a little more eloquently than me. I called it a bathtub. I have seen it where they have a little bit of a lip around. Just a little bit. A couple of inches so if something happens it gives people time to react. Most of the oil would be contained in the little bathtub.

Mr WOJCIK: I think that is the question what happens if it does break?

MS DELNEGRO: We know it is rated how it is rated but we live in a weird world now and anything is possible.

MR HIGGINS: There are bollards all around the fuel tanks. If there was a catastrophic release of oil. I mean this area is very flat. That is why we have stormwater issues. It will still be flat. So it wouldn't run immediately. It would fill into this berm. We have a one-foot high asphalt berm on the edge of the parking lot. We are using mostly for stormwater control, but I guess if there was a catastrophic release it would be directed into this berm area. It wouldn't be spilling directly into soil. Worst case scenario it would go into the culvert and into the stormwater system. There is this two hundred feet of this isolated linear wetland before it would go into another structure.

MR STEWART: Basically, the answer is no. It will not be contained.

Discussion ensued. Some neighbors were concerned with the vapors from the fueling station.

Motion to close the public hearing as made by Mr. Wojcik. Seconded by Ms. Feld. Adopted unanimously with Mr. Howcroft recusing himself.

Motion to approve work as submitted and issue a standard Order of Conditions 1-47 adding condition **48**) a sign shall be erected near the outfall/resource area. The sign must state "Conservation Area-Environmental Sensitive Area- no dumping-No Snow Storage" or similar wording. staff shall approve wording before fabrication as made by Mr. Wojcik. Seconded by Mr. Kruczkowski. Adopted unanimously with Mr. Howcroft recusing himself.

ENFORCEMENT ORDER

7. 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.

ITEM CONTINUED UNTIL APPLICANT SUBMITS PAPERWORK FOR A WITHDRAWAL

APPROVAL OF MINUTES

8. MINUTES- May 16, 2018 NONE

SUBCOMMITTEE REPORTS

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

OTHER

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

10. Adjournment

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

The meeting adjourned at 9:00 PM

Respectfully submitted-

Vice Chairman Bruce Comak

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Subject:
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