



City of Peabody Conservation Commission

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

MINUTES

October 28, 2020

Via Zoom ID 890 2406 6598

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, this meeting of the Peabody Conservation Commission was conducted via remote participation to the greatest extent possible.

MEMBERS PRESENT

Chairman Michael Rizzo
Vice Chairman Bruce Comak
Secretary Stewart Lazares
Travis Wojcik
Michael Vivaldi
Arthur Athas

MEMBERS ABSENT

Melissa Feld-Cantin

Also Present: Lucia DelNegro, Conservation Agent

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

REQUEST FOR CERTIFICATE OF COMPLIANCE

1. Request for a FULL Certificate of Compliance as made by Curtis Young (Environmental Consultant/Wetland Scientist) on behalf of Group One Automotive for DEP File No. 55-832. The project is entitled Proposed Inventory Lot. The address is known as 0 Willowdale Avenue, Map 039, Lots 029 & 023, Peabody MA.

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

2. Request for a FULL Certificate of Compliance as made by Attorney Mary Frances Milburn for Judith & Philip Forster on DEP File No. 55-604. The project was the installation of in-ground pool with a cement patio and fence. The address is known as 17 Jordan Road, Map 025, Lots 53, Peabody MA.

Present: Attorney Mary Frances-Milburn (legal counsel) and Judy Forster (current owner)

The original Order is from 2004 for a swimming pool install to a single-family home. **Discussion ensued.** The original Order listed condition #46 that read as follows: *“In the event a swimming pool is placed on this lot, the following condition shall apply: The content of water in swimming pools can be detrimental to wetlands plant and animal species. To remove harmful chemicals, it is the applicant’s responsibility to leave the pool water standing without the addition of chlorine for a minimum of three (3) days before draining. In this way chlorine concentration will be significantly reduced due to volatilization. All pool water, wherever possible, shall be drained through a dry well, rather than allowed to spread over the surface of the land. The City of Peabody Conservation Commission Office shall be notified prior to draining and shall approve the method of draining.”*

Motion to issue a Full Certificate of Compliance for DEP File No 55-604 with the “swimming pool condition” listed above in perpetuity as made by Mr. Lazares. Seconded by Mr. Wojcik. Adopted unanimously.

REQUEST FOR DETERMINATION OF APPLICABILITY

3. A Public Hearing on a Request for Determination of Applicability submitted by Al Hanscom (Pare Corporation) for Chemical Applications Co. Inc. The proposed project is the remediation of contaminated soils/groundwater. The property is known as 103 Foster Street, Map 095, Lot 001A, Peabody MA.

Present: Alan Hanscom (Pare Corp), Lauren Gluck (Pare Corp), Mark Mahoney

Summary: The project is a 21E Cleanup project with an existing RTN (Release Tracking Number). **Discussion ensued** regarding the proposed work (soil remediation work and a Sub Slab Depressurization System for an existing building). The property is an old smelting and tannery operations factory as well as the site of the old Elmer’s Glue Factory. The property owner wants to sell the property in the future and that is why they are before the commission and MASSDEP. All work will be done per the Mass Contingency Plan (MCP) guidelines. The commission did not feel that an NOI was necessary given the nature of the work. **Discussion ensued** regarding groundwater and dewatering. There are a few obstacles in the soil remediation area. There is a water main and conduits that will be carefully worked around and appropriate parties contact before any work commences. There is also an abandoned sanitary line. They anticipate crushing the clay pipe and abandoning in place. Staff was concerned about the river wall being compromised during soil remediation work. Ms. DelNegro asked if there was a mitigation plan in place in case something went drastically wrong. The LSP stated the did not

expect needing steel sheets installed for stabilization. He stated that they would strengthen the wall with mortar beforehand. There were no members of the public that wished to speak.

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

Motion to issue a Negative Determination with the following conditions: **1)** Staff MUST be notified in writing BEFORE work commences. Erosion controls must be inspected before work can commence. No haybales or plastic meshing allowed; **2)** Disturbed areas MUST be restored to existing grades in BLSF; **3)** MCP guidelines must be met for all work on site. RAM Plan for RTN 3-0036166 must be followed; **4)** Bill of Lading and all MCP docs should be emailed to conservation staff. No hardcopies; **5)** Dewatering detail required. Cons. staff must be notified immediately if dewatering is anticipated as made by Mr. Lazares. Seconded by Mr. Wojcik. Adopted unanimously.

NOTICE OF INTENT

4. A Public Hearing on a Notice of Intent submitted by William Manuell (Wetlands & Land Management) for Alfred DiMambro (Trustee of Kay Realty Trust). The proposed project is the construction of a commercial building addition adding 3 stories to the existing building footprint. The property is known as 10 Mill Street, Map 85, Lot 60B & 58, Peabody MA.

Present: William Manuell (Wetlands & Land Management Inc.)

Summary: The project is a three-story addition to an existing building in the flood plain. The project will mostly remain on the existing footprint. A raised walkway and an entranceway deck will need to be constructed to gain access to the building. No fill is allowed in the flood plain. The posts needed will fill approximately 10SF of flood plain. Mr. Manuell stated he believes this small amount necessary for the posts would be considered de minimis. **Discussion ensued** regarding a tree that will most likely need to be removed but is not shown on the plan. The tree is a Norway Maple and Vice Chairman Comak stated it is invasive in Massachusetts. The only resource associated with the proposed work is FEMA Flood Zone/Plain. They will also remove a gravel portion of the site that is currently considered semi-impervious and used for commercial storage. This area will be loamed and seeded. There were no members of the public that spoke.

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

Motion to issue a standard Order of Conditions 1-50 adding the following special conditions: **51)** Area shown on plan entitled "Area to be loamed and seeded" presently labeled as existing "crushed stone surface" MUST be loamed and seeded BEFORE requesting a Certificate of Compliance (partial or full) from the commissions; **52)** The NOI narrative states "the only ground disturbance work other than landscaping will be installation of an above ground entry stoop on the east side of the building and an elevated ramp/handicap egress on the west side of the building. These features are above ground and only require pre-cast concrete footings for the support posts of the ramp or stoop." THIS CONDITION IS IN PERPETUITY AND MUST BE NOTED ON THE FINAL CC. ANY CHANGE TO THE APPROVED ELEVATED RAMP WILL REQUIRE THE FILING OF NEW NOI. The ramp must be elevated; the property is located in FEMA Flood Zone. The elevated ramp ensures that flood plain will not be filled illegally or inadvertently by the owner as made by Mr. Wojcik. Seconded by Mr. Athas. Adopted unanimously.

5. A Public Hearing on a Notice of Intent submitted by Robert Langley (Public Services Department) for the City of Peabody. The proposed project is bridge replacement for Bridge No. P-03-014. The existing bridge is structurally deficient and needs to be replaced. The property is known as 77 Endicott Street per the NOI, Map NA, Lot NA, (Lat: 42.53081N; Long: 70.93401W), Peabody MA.

Present: Robert Langley (City of Peabody-DPS-Engineering Department) and Keith Nelson (Gil Engineering)

Summary: The existing bridge is structurally deficient and needs to be replaced. An abutting single-family house located at 75 Endicott Street is also experiencing serious erosion of their driveway into the river. Presently their driveway is unsafe as a child, a dog or a small adult could fit in the holes along the driveway and property line. Robert McGinnis of 75 Endicott Street was present at the hearing and fully supports the project. He offered the use of his driveway during construction. He is very happy the city is considering this work. **Discussion ensued** about not stockpiling along the river. All stockpiling will take place near the road above the river and not along the riverbed. They are hoping to use the parking lot at 70 Endicott for any necessary daily stockpiles. The work is planned to start the summer of 2021 during a hopeful low flow season. The project is expected to take approximately three (3) months. Endicott Street will be closed during construction. Further **discussion ensued**. MASSDOT considers this a Chapter 85 review only.

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

Motion to issue a standard Order of Conditions 1-50 adding the following special conditions: **51)** Once work starts DPS must email monthly work progress reports until the work is complete to email address lucia.delnegro@peabody-ma.gov; **52)** The BMPs must be inspected by the agent before work can commence; **53)** All work must be done as stated in the Project Narrative submitted with the original NOI filing as made by Mr. Wojcik. Seconded by Mr. Lazares. Adopted unanimously.

ENFORCEMENT ORDER

6. Enforcement Order issued to Daniel Ruiz for the property known as 44 Bartholomew Street, Peabody MA. The alleged violation is bringing multiple truckloads of fill onto the site. Buffer zone and resource area was altered. A valid Order of Conditions has never been issued for said work.

CONTINUED PREVIOUSLY UNTIL SPRING 2021 WHEN VEGETATION HAS GROWN IN – TBD

OTHER

- **MINUTES- August 5, 2020 remotely held**

Motion to accept the August minutes as made by Mr. Wojcik. Seconded by Mr. Lazares. Adopted unanimously.

● **Vote Authorizing Use of Electronic Signatures:**

Staff prepared verbiage to be recorded at the Registry of Deeds in Salem as follows:

On October 28, 2020, the Peabody Conservation Commission met in open session through publicly accessible video/phone conference, pursuant to the Order Suspending Certain Provisions of the Open Meeting Law, issued by Governor Charles D. Baker on March 12, 2020.

At this duly held meeting, the following action was taken by the Peabody Conservation Commission.

I, Chairman Michael Rizzo, vote that the Peabody Conservation Commission recognize and accept the provisions of M.G.L. Chapter 110G (Uniform Electronic Transaction Act) regarding electronic signatures and that, we the members of the Peabody Conservation Commission, will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. This applies to only those documents that the Peabody Conservation Commission voted to issue and sign at a public hearing/meeting during the COVID-19 State of Emergency.

Motion made by Vice Chairman Bruce Comak to accept and seconded by Commissioner Travis Wojcik. Adopted unanimously as follows:

Chairman Michael Rizzo	YES
Vice Chairman Bruce Comak	YES
Secretary Stewart Lazares	YES
Commissioner Travis Wojcik	YES
Commissioner Michael Vivaldi	YES
Commissioner Arthur Athas	YES
Commissioner Melissa Cantin	NOT PRESENT

● **Adjournment**

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

The meeting adjourned at 8:51 PM

Respectfully submitted,

To be signed electronically

Chairman Michael Rizzo