



City of Peabody Conservation Commission

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

MINUTES

NOVEMBER 18, 2020

Via Zoom ID 856 6854 6120

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
Travis Wojcik
Michael Vivaldi (left at 8:25pm)
Arthur Athas
Amanda Green (Alt.)

MEMBERS ABSENT

Melissa Feld-Cantin
Secretary Stewart Lazares

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

CHAIRMAN RIZZO CALLED THE MEETING TO ORDER at 7:02 pm

EMERGENCY CERTIFICATES

1.To be ratified: Request for an Emergency Certificate made by Brendan Callahan, Assistant Director of Planning, to demolish a building located at 24 Caller Street. The building has been deemed unsafe by the city’s Building Commissioner Albert Talarico. Work must be done during the following timeframe: 11.30.20 to 12.29.2020.

Present: Brendan Callahan, Assistant Director of Planning

Summary: The commission reviewed the paperwork before the hearing and the EC has been issued. The demolition will start on or around 11.30.2020. Mr. Callahan will work closely with the contractors to confirm compliance with the EC. Brendan has communicated with all necessary departments for their approval. The commission was concerned with the asbestos removal. All work will be done per MCP guidelines as stated in the EC issued.

Motion to ratify the Emergency Certificate for the demolition of the structure located at 24 Caller Street as made by Mr. Comak. Seconded by Mr. Vivaldi. Adopted unanimously.

2.To be ratified: Request for an Emergency Certificate made by Endpoint LLC (for the property owners) to comply with MCP guidelines for a release of home oil fuel in close proximity to the wetlands located at 16 Castle Circle. Work must be done in the following timeframe: 10.20.20 to 12.18.2020.

Summary: The commission was concerned with the vulnerability of the temporary home oiling unit outside. They would like the cleanup crew to add more safety measures to ensure the wetlands are not impacted. Staff will email the LSP and express their concerns.

Motion to ratify the Emergency Certificate for the remediation of oil at 16 Castle Circle as made by Mr. Wojcik. Seconded by Mr. Vivaldi. Adopted unanimously.

EXTENSIONS

3.An Extension request made by Douglas White for DEP File # 55-797 for the property located at 15 Elginwood Road. The permit expires on 2.5.2021. He is asking for a one-year extension.

Present: Douglas White (owner)

Summary: The project has been held up due to the global health crisis. The owner needed an extension to finish the project. The commission felt the Order could be extended.

Motion to extend for one year (until 2.5.22) as made by Mr. Vivaldi. Seconded by Mr. Wojcik. Adopted unanimously.

REQUEST FOR CERTIFICATE OF COMPLIANCE

4. A continued 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.

Summary: The commission wants someone to appear at the December hearing even if they do not have the appropriate paperwork prepared. They have been operating on the site for over two years and the commission wants to close the Order. The commission is presently waiting for the engineer or record to submit an As Built Plan to the commission and the city engineer for review.

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

5. A request for a Full Certificate of Compliance as made by William Manuell (Wetlands and Land Management) for Roy Simoes (PMLP) for DEP File No. 55-840. The project was known as the PMLP Substation at Russell Street.

Motion to extend until January 20, 2021 as made by Mr. Vivaldi. Seconded by Mr. Wojcik. Adopted unanimously.

NOTICE OF INTENT

6. A Public Hearing on a Notice of Intent submitted by William Manuell (Wetlands & Land Management) for Adib Elias (Jack Elias, LLC). The proposed work is the installation of fuel tanks within the paved parking area. The NOI states the site previously was a filling station. The property is known as 468 Lowell Street, Map 48, Lot 94, Peabody MA.

Present: William Manuell (Wetlands & Land Management), Athan Vontzalides (legal counsel), Steven Fleming (Vineyard Engineering & Environmental Services) and Adib Elias (applicant)

Summary: The property was a filling station about fifteen years ago. The file presently has a Release Tracking Number (RTN) for an oil cleanup. They are in the monitoring phase of the cleanup. Presently the site is used as high-end foreign auto repair shop. The property is about a half-acre in size and is a square lot. The former pump islands and roof canopies are still intact. All tanks associated with the former filling station have been removed. Most of the wetlands are off site and the resources are riverfront and buffer zone to BVW. An accurate delineation was not possible as the abutting property owner did not respond to the wetlands scientist's requests. GIS was used to estimate resource areas. **Discussion ensued.** There is presently a portion of the site that has an Activity Use Limitation (AUL). There was an oil release in the seventies and two in the nineties. The AUL area still has contamination that was not accessible to clean.

Discussion ensued regarding other historical conditions on site. In 2005 Motiva had three instances of reportable conditions. There is one RTN and the site is in Phase V of the Mass Contingency Plan and is in more of a remediation instead of monitoring as stated earlier (monitored natural attenuation-Phase V Remedy Operation Status). Essentially this means they are monitoring the activities in the ground to ensure there is enough biological activity for natural degradation. It is geared towards finding ultimate closure or permanent solutions statement.

Discussion ensued about needing new soil samples sent out for testing before groundwork could commence. The project may end up removing more contaminated soil and replace it with clean backfill. The commission asked various questions. The current plan only has two tanks proposed. The Chairman was curious if they would try to come back to install more tanks at a later date. It is typical for Motiva and Shell to install four not two. The proposed tanks are double walled fiberglass tanks. The commission was worried about the groundwater level, the need for dewatering and the contaminated soils when the tanks are installed. Mr. Fleming stated he felt the tanks would be above the water table, but a fractionation tank will be used if necessary. The contractor may use sheet pilings to limit the amount of groundwater entering the excavation hole. **Discussion ensued** regarding the water table and ground water level. The RAM Plan was also discussed briefly. The gas station will be self-serve. Self-Serve will require approval from the state fire marshal and fire suppression plans and so forth.

The item was open to members of the public for discussion.

Norman Brown, 465 Lowell Street

MR BROWN: I am right across the street from this site. I have been listening to this whole thing and it is quite interesting. I have spoken to all my neighbors and we are against any gas station going in there. I believe the city has paperwork stating all contamination has been removed. I have talked to some people. I heard that information is at city hall. I have been in Peabody all my life. I watched the contamination and the tank that leaked be taken out of the ground. It contaminated the soil on the conservation property. Which is only ten feet behind the station. It also traversed westerly over to the Low-Mart shopping plaza. Being personal friends of the owner at the time I know that the contamination surrounded the foundation. The board of health was called in. All the food in the Low-Mart had to be destroyed. I am seventy-five feet from the gas tank that was leaking. Not one person from Shell ever came to my property to check for contamination. There are twenty neighbors right now that are against any more gas tanks going in there. There is a very nice man that runs the business presently and we would like to see that continue. I do want to announce my opposition to this gas station along with around twenty neighbors. We are very concerned. We do not want another gas station in there. I will be working with Councillor Charest.

Saimira Mile, 459 Lowell Street

MS MILE: Through this whole hearing we have discussed how many times there has been a contamination or leaking issues going on. My second question is what are the proposed hours of operation?

Discussion ensued. The commission inquired if any ZBA or City Council approval were necessary. Hours of operation and noise do not fall under the purview of the commission. The chairman was concerned with the condition of the existing pads on site. If the concrete pads need to be replaced it is not shown on the current plan. The consultant stated it could be conditioned. Staff has been sick and was not able to conduct a site visit as previously scheduled with the consultant. Staff could not confirm the condition of the concrete pads. Chairman Rizzo used street view and noticed that the concrete is not in good condition and will need to be brought up to standards. **Discussion ensued** regarding on site drainage. More information is needed to confirm. The plan must be revised to show erosion controls adjacent to the Low-Mart property and along the rear wetlands. DEP 55-617 has received a Certificate of Compliance (CC) for the clean-up. The CC was issued on July 24, 2008.

Mr. Brown spoke again and stated that the contamination also traveled eastward down Lowell and contaminated Taylor Rental Property (Grand Rental) today. He questioned whether the abutting lots were ever cleaned up appropriately. He also reminded the commission that Proctor Brook has overflowed and flooded the downstairs of the rental store.

Discussion ensued.

The commission felt they needed more information before they could close the public hearing.

The commission asked for the following:

1) Revised BMP plan; 2) revised plan showing pavement repair/pavement detail of fixing asphalt to standards (buffer zone); 3) pavement to standard repair; 4) onsite drainage (show on plan if exist); 5) Dewatering detail/plans (fractionation tank etc.)

Motion to continue as made by Mr. Wojcik. Seconded by Mr. Athas. Adopted unanimously. (The motion passed with 5 votes as Mr. Vivaldi logged off at 8:25pm)

7. A Public Hearing on a Notice of Intent submitted by Richard Kirby (LEC Environmental) for Courtney Trahan (owner). The proposed project is the installation of an in-ground pool with a concrete patio and plantings. The property is known as 7 Glen Drive, Map 5, Lot 14, Peabody MA.

Present: Richard Kirby (LEC Environmental) and Courtney Trahan (owner)

Summary: The consultant explained the project was the installation of an inground pool and other related features. **Discussion ensued.** No members of the public wished to speak.

Motion to close the public hearing as made by Mr. Athas. Seconded by Ms. Green. Adopted unanimously.

The motion passed with 4 members voting- Mr. Athas, Mr. Comak, Mr. Rizzo and Ms. Green

Motion to issue a Standard Order of Conditions 1-50 stating all work must done per the NOI submitted and approved and adding conditions: **51)** Condition #49 stated above regarding a pool on said property will be in perpetuity. This condition will remain as long as a pool is located at this address; **52)** Erosion controls **MUST** be inspected by the Conservation Agent or Staff before any work can commence; **53)** NO stockpiling is allowed in the REAR yard. Material must be live loaded or stockpiled in the front yard or driveway as made by Mr. Athas. Seconded by Comak.

The motion passed with 4 members voting- Mr. Athas, Mr. Comak, Mr. Rizzo and Ms. Green

VIOLATIONS

8. Violation at 83 Pine Street- Failure to contact Commission to inspect erosion controls has caused sediment to enter a catch basin, clog a culvert and alter a resource. Staff is working with the contractor to remedy the situation.

Motion to continue as made by Mr. Athas. Seconded by Ms. Green. Adopted unanimously.

ENFORCEMENT ORDER

9. 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 UNTIL 2021 WHEN VEGETATION HAS GROWN IN – TBD

OTHER

- **MINUTES- NONE** Zoom video can be watched: <https://peabodytv.org/watch/>

- **Adjournment**

Motion to adjourn as made by Mr. Comak Seconded by Mr. Wojcik. Adopted unanimously.
The meeting adjourned at 9:20 PM

Respectfully submitted,
To be signed electronically

Chairman Michael Rizzo