



City of Peabody Conservation Commission

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

MINUTES

FEBRUARY 19, 2020
DEPARTMENT OF PUBLIC SERVICES
50 FARM AVENUE

MEMBERS PRESENT

Chairman Michael Rizzo
Vice Chairman Bruce Comak
Secretary Stewart Lazares
Melissa Feld-Cantin
Michael Vivaldi (alt.)
James DiGiulio (alt.)

MEMBERS ABSENT

Bryan Howcroft
Travis Wojcik

Also Present: Honorable City Councillor Mark J. O'Neill Ward 6; Lucia DelNegro, Conservation Agent

CHAIRMAN RIZZO CALLED THE MEETING TO ORDER at 7:10 pm

PROPOSED NEXT MEETING DATES- March 11, 2020 Peabody City Hall -LLCR

Both Alternate Commissioners were given voting rights in the absence of two commissioners.

REQUEST FOR DETERMINATION OF APPLICABILITY

1. A Public hearing on a Notice of Intent submitted by William & Jeanne Delp. The proposed work is the construction of a 14'x12' addition in the rear of an existing single-family house. The property is known as 13 Granite Road, Map 120, Lot 18, Peabody MA.

Present: William and Jeanne Delp (property owners)

Discussion ensued.

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

Motion to issue a Negative Determination adding the following conditions: **1)** Erosion controls must be installed and inspected BEFORE the commencement of work; **2)** Work SHALL be done according to the plan attached and listed on page 1 of this form; **3)** Excess soil from the excavated area SHALL be removed off site within a month (30 days) of project end date. No soil shall be used to grade the backyard as made by Mr. Vivaldi. Seconded by Mr. Lazares. Adopted unanimously.

EXTENSION REQUEST

2. A Request for an Extension Permit on DEP File No. 55-673. The request is being made by Attorney Steven Singer for Carl Crupi. The project is the construction of a single-family home at 1 Antonio Drive (map 106, Lot 98). The Order expires on 5.15.2020. The applicant is asking for a one-year extension.

Present: Carl Crupi (owner/developer)

Motion to extend one year (extended to 5.15.2021) as made by Mr. Lazares. Seconded by Mr. Comak. Adopted unanimously.

CERTIFICATE OF COMPLIANCE

3. A request for a Certificate of Compliance made by Attorney Amy Scopa for 46 Diane Road on DEP file No. 55-154. The project was originally a part of a large subdivision entitled Oak Hill Estates. The property is known as 46 Diane Road, Map 108, Lot 315, Peabody MA.

Motion to issue a Partial Certificate of Compliance for the property located at 46 Diane Road adding the standard pool condition be added in perpetuity as made by Mr. Lazares. Seconded by Mr. Comak. Adopted unanimously.

4. A request for a Certificate of Compliance made by Attorney John R Keilty on behalf of Attorney Trista Christensen for 13 Endicott St on DEP file No. 55-582. The project was the construction of 4 townhouses and stormwater features. The property is known as 13 Endicott Street, Map 64, Lots 850-854, Peabody MA.

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

Summary: The units were built about 18 years ago. One of the unit owner's is trying to sell their townhouse and they need a release of the Order to pass papers. They received an Occupancy Permit years ago without a Certificate of Compliance being issued first. The information submitted thus far was inadequate for the board to vote on the Certificate request. The city engineer and

conservation staff both submitted memos requesting an As Built Plan be submitted for review to ensure the stormwater features were constructed per the originally approved plans. Attorney Keilty stated the Condominium Trust does not have the finances to pay for an As Built Plan. Mr. Mello stated he was “pretty sure” the catch basins have never been cleaned since installation. Conservation staff recommended an As Built Plan be submitted as stated in the memo from city engineering staff. Attorney Keilty and Chris Mello were adamant about not having the Condominium Trust pay for the As Built Plan even though it is technically required per the Order of Conditions. **Discussion ensued.** The commission stated they want either the city engineer or city staff invited on the date of the catch basin clean out. Attorney Keilty and Mr. Mello both agreed. **Further discussion ensued.**

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

AMENDMENT REQUEST

5. A continued Public hearing on an Amendment Request for an Existing Order of Conditions DEP File. No 55-857 submitted by Joseph Salvaggio. The proposed work is the construction of a single-family house with driveway, utilities and lawn. The new property owner wishes to increase the footprint of the structure. The property is known as 73 Lake Street, Map 45, Lot 62, Peabody MA.

Present: Joseph Salvaggio (owner) and Christopher Mello (ELSAI)

Summary: The property owner will do three (3) more test pits on site in the Spring. A dewatering detail will be submitted to the commission before the project can be approved.

Motion to continue the item until the April hearing as made by Mr. Rizzo. Seconded by Mr. Comak. Adopted unanimously.

NOTICE OF INTENT

6. A Public Hearing on a Notice of Intent submitted for Tannery Limited Partnership (Matthew Curtin) by Pare Corporation (Lauren Gluck). The proposed work is the installation of two 4' diameter culverts in the existing culvert under the apartment building and filling the annulus with cast-in-place concrete. A 20'x20' area with existing parking lot bordering the building excavated to provide access. Additional repair work includes opening an existing manhole to access a downstream debris blockage the culvert, where ground disturbance is limited to removing mulch within an existing landscaped area; removal and proper disposal of debris; and removing stop logs to lower the water levels in the catch basin still basin. The property is known as 18 Crowninshield Street, Map 74, Lot 65A, Peabody MA.

Present: Lauren Gluck (Pare Corp), Allen Orsi (Pare Corp) & Matthew Curtin (Winn Co)

Summary: At the previous meeting the project was already discussed in detail. The commission asked the owners to file a formal NOI request for the proposed work. There was a brief a refresher of the proposed work. Robert Langley is the city engineer assigned to the project. The commission received copies of his comments regarding a previous filing. Commission staff listed recommended conditions for said project. There were no comments from the public.

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

Motion to issue a standard Order of Conditions 1-49 adding the following: **50)** Work and maintenance shall be done in accordance with the following plans and reports: •Plans entitled Tannery Project Apartments. Sheet S0.0 general Notes and S1.0 Spillway Plans both drafted by Odeh Engineers stamps by David J Odeh (structural) with a date of 1.27.2020; • Plan entitled Tannery Apartments Discharge Culvert Repairs Peabody MA- Figure 2 Culvert Aerial drafted by Pare Corporation dated January 2020; •Plan entitled Proctors Brook Dam Repairs-Culvert General Arrangement, Peabody MA drafted by Pare Corporation dated November 2019; **51)** Commission shall be copied electronically regarding the USACE permit required. Pre-Construction Application shall be sent to ConComm via email; **52)** An As-Built is required when requesting a Certificate of Compliance. It must be signed off by the city engineer assigned to the project BEFORE the commission can vote; **53)** Applicant is responsible for notifying all regulatory agencies required by law or statute before commencement of work; **54)** The contractor must properly dispose of all debris removed from the culvert in a reasonable timeframe as made by Mr. Lazares. Seconded by Mr. Comak. Adopted unanimously.

DISCUSSION ITEM

7. Request for discussion by Melanie Carr of WS Asset Management, Inc.- BIG Y Plaza- Proposed drive-through ATM and other site changes located 637 Lowell Street Peabody MA.

The commission asked the property owner and consultant to file an RDA with the commission for said project. An NOI would not be necessary at this time unless the scope of the project changes significantly. The applicant/owner will file an RDA with the commission for the March hearing. The commission is very supportive of the project. No motion was made.

ENFORCEMENT ORDER

8. Continued Enforcement Order 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.

Summary: Ms. DeINegro and Commissioner Lazares are presently working on this file with the city solicitor Attorney Conn. There was no update to report. **Discussion ensued.** Staff will keep the commission updated as new information surfaces.

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

VIOLATION ORDER

9. Shirat Hayam- Wetland Mitigation Report –Beth El Cemetery Lowell Street- violation is the dumping of soil and other earth refuse in buffer zone.

CONTINUED UNTIL MAY 2020

APPROVAL OF MINUTES

10. MINUTES- NONE

SUBCOMMITTEE REPORTS

- Land Acquisition Committee- Chairman Rizzo NONE

OTHER

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

The commission discussed the following briefly:

- Upcoming 40B applications. Green roof initiatives.
- Guidelines for test pit procedures in high traffic areas that could affect the public's safety (example- 40 Oak Street)
- ViewPermit not functioning properly.
- The withdrawal of the NOI application for 25 Farm Avenue (log lot).

- **Adjournment**

Motion to adjourn as made by Mr. Comak. Seconded by Mr. Vivaldi. Adopted unanimously.

The meeting adjourned at 9:30PM

Respectfully submitted-

Chairman Michael Rizzo