



City of Peabody Conservation Commission

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

MINUTES

JUNE 12, 2019
DEPARTMENT OF PUBLIC SERVICES
50 FARM AVENUE

MEMBERS PRESENT

Craig Welton
Bryan Howcroft
Stewart Lazares
Travis Wojcik (arrived 7:15)
Michael Vivaldi (alt.)

MEMBERS ABSENT

Chairman Michael Rizzo
Vice Chairman Bruce Comak
Secretary Melissa Feld

Also Present: Lucia DelNegro, Conservation Agent

COMMISSIONER LAZARES CALLED THE MEETING TO ORDER at 7:05 pm

PROPOSED NEXT MEETING DATES- July 24, 2019 and September 11, 2019

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.**

Commissioner Lazares chaired the meeting in the absence of the officers.

Alternate Commissioner Michael Vivaldi was given voting rights in the absence of three commissioners.

DISCUSSION ITEM

Judith Sherman- 52 Warren Street Unit #7 -discuss dangerous tree growing into retaining wall on the edge of the pond.

Summary: Pictures were circulated of the large tree. The property owner submitted a letter from a tree specialist as well as an outline of the work. The commission agreed that the tree should be removed. The tree specialist will use a crane. Discussion ensued.

Motion to issue Emergency Certificate for the tree removal as stated in documentation from Dynamic Property Management with the condition that the roots must remain intact as made by Mr. Vivaldi. Seconded by Mr. Howcroft. Adopted unanimously.

VIOLATION ORDER

1. A continued Violation Order issued to Emmanuel Papanickolas for DEP File No. 55-822. The property location is 25 Farm Avenue. The alleged violation is adding fill and an crushed aggregate pad in the location of a proposed stormwater basin as approved by the commission under DEP file no. 55-822.

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

2. A continued request for a Certificate of Compliance made by Emmanuel Papanickolas on DEP file No. 55-822. The project was the construction of an asphalt pad, fencing and stormwater enhancements. The property is known as 25 Farm Avenue, Map 69, Lot 6, Peabody MA.

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

NOTICE OF INTENT

3. A continued Public Hearing on a Notice of Intent submitted by Emmanuel Papanickolas. This is an “after the fact” filing. The property owner is requesting the commission to allow existing filled pad to remain in buffer zone. No stormwater components are proposed at this time. The property is known as 25 Farm Avenue, Map 69, Lot 6, Peabody MA. (DEP File No. 55-860)

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

EXTENSION REQUESTS

4. A Request for an Extension Permit on DEP File No. 55-787. The request is being made by Joseph Salvaggio. The project is the construction of three single family homes and a stormwater feature (map 45, Lots 15&21). The Order expires on 10/28/2019. The applicant is asking for a one-year extension.

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

5. A Request for an Extension Permit on DEP File No. 55-769. The request is being made by Tyler Ferrick of Derosa Environmental. The project is a Long-Term O&M Plan and PPP for existing stormwater system, BMPs, vegetation control and landscaping installed under the previous expired 1998 Order of conditions (55-482). The property is known as 100

Brooksby Village Drive (map 27, Lot 005X). The Order expires on 8/9/2019. The applicant is asking for a one-year extension.

Motion to extend one year (8/9/2020) as made by Mr. Wojcik. Seconded by Mr. Howcroft. Adopted unanimously.

NOTICE OF INTENT CONTINUED

6. A Public Hearing on a Notice of Intent submitted for Peabody RA LLC by Retail Business Services (Mike Russo). The proposed work is repair/replacement of existing asphalt, limited precast curbing, landscaping, concrete pads and signage. The property is known as 19 Howley Street, Map 86, Lot 130X (Peabody) and Map 16, Lot 374 (Salem portion-rear), Peabody MA.

Present: Sheryl Bezak Guglielmo (DiPrete Engineering)

Summary: There will be no expansion of the asphalt parking lot. There will not be any new impervious areas on site. The parking lot is in very poor shape and desperately needs to be repaved. All drainage will remain the same as existing conditions. The proposed work is the repair/replacement of existing asphalt, limited precast curbing, landscaping, concrete pads and signage. Stop and Shop has agreed to maintain the detention basin per the original Order. It was slightly overgrown along the fence surrounding the basin (located in Salem). This area will be cleaned up per the existing O&M. Staff and Commissioner Lazares will meet the Salem Conservation Agent on site to discuss the basin on 6/13/2019. There were no members of the public that wished to speak for or against the project.

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

Motion to issue a standard Order of Conditions 1-50 adding the following conditions **51)** The revised sheet 3 shows erosion controls along the riverfront. Conservation staff must inspect erosion controls before work can commence; **52)** Stockpiling shall be as far from the riverfront as practicable and each pile has a time limit of one week (7 consecutive days). Stockpiles may require additional erosion controls around them and possibly a tarp (depending on material and weather forecast.); **53)** The property owner must maintain the existing detention basin in Salem per the O&M Plan approved by MASSDEP as made by Mr. Wojcik. Seconded by Mr. Howcroft. Adopted unanimously.

7. A continued public hearing on a Notice of Intent submitted by Elizabeth Wallis & Peter Ogren (Hayes Engineering) for Seven Dearborn Limited Partnership c/o Joe O'Donnell (owner). The applicant proposes to construct a parking lot with associated drainage and stormwater systems as part of site redevelopment for a new apartment building. The property is known as 7 Dearborn Avenue, Map 78, Lot 19, Peabody MA.

Summary: The city has hired a third party to conduct a peer review on the project. The peer review is still pending.

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

MODIFICATION

Bryan Howcroft recused himself from discussion of item #8.

8. A request for a Modification to an existing Order of Conditions for DEP file no. 55-855. The request is being made by Mel Higgins (PWS) of Weston & Sampson for PMLP. The work is located at 201 Warren Street Extension and is part of the work for the fueling system and site drainage improvements. Per the request the additional work is for stormwater infrastructure maintenance.

Present: Mel Higgins (Weston & Sampson); Daryn Kirkjan (Weston & Sampson); Tony Martins (PMLP) and Chuck Orphanos (PMLP)

MR. KIKJAN: There is a drainage swale about two hundred (200) linear feet. This drainage swale was originally constructed in 1989 when the PMLP headquarters was built. It was a gravel lined drainage swale. Over the years it has filled in with sediment and limited vegetation. It is considered now an isolated wetland under the city regulations. We are having flooding issues. We are looking to do a limited removal of about six to seven inches of sediment. We just want to restore it back to its original condition. It is less than 100 cubic yards of sediment. It will be a one-day activity. We submitted an O&M. We would like this work added to the original Order.

Discussion ensued. They must stay under 100 cubic yards of sediment removal. If they remove anymore it will require a 401 Water Quality Certificate and permission from Army Corps of Engineers. There were no members of the public that wished to comment.

Motion to approve modifications as submitted as made by Mr. Wojcik. Seconded by Mr. Vivaldi. The motion passed 4-0 with Bryan Howcroft recusing himself.

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.

Present: Anna Hathaway (Shirat Hayam representative)

Summary: Ms. Hathaway stated she has hired Christopher Mello of ELSAI. Anna stated that Mr. Mello told her he would appear at the meeting tonight. However, Chris Mello did not appear at the meeting. No documents were submitted to the commission. **Discussion ensued**

Motion to continue as made by Mr. Howcroft. Seconded by Mr. Welton. Adopted unanimously.

10. A continued request for a PARTIAL Certificate of Compliance made by Joseph Orzel (Wetlands Preservation, Inc.) on DEP file No. 55-800. The property is known as 252 Andover Street, Map 39, Lot 25C, Peabody MA.

Present: Curt Young (Wetlands Land Management)

Summary: The commission asked for the project engineer to attend the meeting. The engineer sent the wetland specialist instead of appearing himself. **Discussion ensued** regarding the As Built Plan that is much different from the original approved plan. According to MASS DEP Form 8A (Request for Certificate of Compliance) states the following: *"Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor? If yes, attach a written statement by such a professional certifying substantial compliance with the*

plans and describing what deviation, if any, exists from the plans approved in the Order.”
However, the commission has waited for months with no communication regarding the engineer’s letter. William Paulitz (the city engineer) ended up drafting a memo with all the discrepancies from the original plan (memo dated May 2019). The project engineer should have drafted this letter to the commission per the Regs. The commission can not sign off on a Certificate of Compliance at this time. The building department already gave them their Full Occupancy Permit despite the discrepancies with the stormwater structures. Curt Young stated that maybe the September hearing would be a more realistic deadline for the engineer. Signs have been erected along the stream near route 114. The signs are to remind the landscaper not to incise the entire riverfront area. Plantings along the riverfront were required under the Order of Conditions. A landscaper erroneously cut everything that was planted down to the water. Mr. Young stated this will not happen again. If the landscaper removes vegetation in the future along the riverfront Group-1 will be fined per the local ordinance. The commission wants an update by the July hearing. The commission wants this resolved by the end of the year 2019. The item has been on the agenda with no updates since November 2018.

Motion to request a status update from the project engineer as made by Mr. Wojcik. Seconded by Mr. Howcroft. Adopted unanimously.

Motion to continue the item as made by Mr. Wojcik. Seconded by Mr. Howcroft. Adopted unanimously.

APPROVAL OF MINUTES

11. MINUTES- NONE

SUBCOMMITTEE REPORTS

- **Land Acquisition Committee- Chairman Rizzo** **NONE**

NOMINATIONS

Nominating Committee- Commissioner Bryan Howcroft:

Chairman

Vice Chairman

Secretary

To be discussed and voted on at the July 24 hearing.

OTHER

- **Private drinking water wells near SOLitude target areas:**

Discussion ensued.

Motion to have SOLitude test the private drinking wells near target areas (residents that want their wells tested). A map also needs to be created to show the intake of each drinking well in close proximity to treatment areas. If SOLitude cannot perform this work; conservation staff needs to follow up on these items with the appropriate parties to ensure the EPA guidelines are followed by the consultant. The commission also asks that signage is visible around treatment areas as discussed in previous ConComm meetings and proper notice to the agent of when and where they will be spraying in the city. Motion made by Mr. Howcroft. Seconded by Mr. Welton. Adopted unanimously.

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- **Adjournment**

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

The meeting adjourned at 8:45 pm

Respectfully submitted-

Stewart Lazares (in absence of officers)