



## City of Peabody Conservation Commission

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

### MINUTES

**August 5, 2020**

**Via Zoom ID 876 9824 1302**

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 (alt.)

#### MEMBERS ABSENT

Melissa Feld-Cantin

**Also Present:** Lucia DelNegro, Conservation Agent; Brendan Callahan, Assistant Director of Planning; Honorable City Councillor at Large Jon G. Turco.

CHAIRMAN RIZZO CALLED THE MEETING TO ORDER at 7:01 pm

Alternate Commissioner Michael Vivaldi had voting rights in the absence of one commissioner.

**REQUEST FOR DETERMINATION OF APPLICABILITY**

**1. A Public Hearing on a Request for Determination of Applicability submitted by LEC Environmental Consultants (Ann Marton) for 143 Lynnfield Street LLC (C. Hoag). The proposed project is petroleum-based remediation at 5 locations on site. In addition, two oil collection manholes will be installed and connected with a perforated pipe set at the average groundwater table and backfilled with course stone. The manholes will be skimmed of product several times during remediation. The property is known as 143 Lynnfield Street, Map 101, Lot 220, Peabody MA.**

**Present:** Ann Marton (LEC Environmental Consultants), Bruce Poole (SP Engineering-LSP) and David Damico (CommTank representing 143 Lynnfield Street LLC)

**Summary:** The proposed work is a cleanup project consisting of petroleum-based remediation at three (3) locations on site. In addition, two oil collection manholes will be installed and connected with a perforated pipe set at the average groundwater table and backfilled with course stone. The manholes will be skimmed of product several times during remediation. The original application incorrectly stated that five (5) areas would be remediated through the Salem/Peabody Revolving Loan Fund (RLF) monies. Two locations have since been removed and the plans/application have been revised to reflect the changes. The applicant gave a presentation on the updated project. Area B (red area) is where a 5,000-gallon fuel tank was located. A petroleum release will be remediated in this area. Area E (green area) is an area that was beneath a boiler room. Both areas are almost outside the buffer zone. Area C (blue area) was a former settling basin. The walls of the settling basin have some petroleum that needs to be cleaned. The monitoring wells showed signs of petroleum in the water as well. There will be a catch basin installed and a perforated pipe. They will use this to skim off the petroleum in the groundwater during the remediation. All work will be done per MCP guidelines. Staff asked the LSP to confirm that hexavalent chromium was not present on the site. He agreed hexavalent chromium was not detected. **Discussion ensued.** The item was open to members of the public. Brendan Callahan stated he has been working with the applicant as they are hoping to receive funds for the cleanup. **Discussion ensued** regarding proposed stockpile anticipated amounts. There was also discussion regarding the “black beauty” product presently being stockpiled. The LSP stated they are being stored properly per MCP guidelines. Councillor Turco stated he was at the hearing under his capacity as an abutter. **Discussion ensued.** The “black beauty” product being stored on the site for years was mentioned again. It is the hope of everyone that it will soon find a home outside of Peabody and this property. Everyone agreed a timeframe and ongoing contact and checking in with the commission/city during the cleanup process is necessary. Councillor Turco also brought up the need for a rodent mitigation plan and the commission agreed. There was also a discussion regarding the funds for the cleanup and where they are coming from. The funds are not in the purview of the commission and no commissioners had any input. Russell Donovan of Quail Road reminded the commission and staff about the crushed culvert and how water flows across the property during high water table events. The commission agreed that a Water Bypass Detail was necessary. There was confusion regarding the damaged culvert/pipe being fixed under this RDA application. If it is not being fixed the Water Bypass Structure is imperative. **Discussion ensued.**

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)** Work must be done according to plan drafted by The Morin-Cameron Group, Inc. entitled Request for Determination of Applicability in Peabody Massachusetts – 143 Lynnfield Street (Map 101, Lot 220)- RDA Plan page 1 of 1. Dated 4.30.2020 revised on 7.15.2020 with a final revision date of 8.5.2020 stamped by Scott P. Cameron. Scale 1”=30’ REDUCED copy attached hereto-(\*Haybales cannot be used

in Peabody); **2)** All work must be done in strict compliance with the Massachusetts Contingency Plan guidelines. Commission Agent should be emailed all 21E documents; **3)** Conservation staff must be notified 48 hours before the commencement of work. Erosion controls as shown on plan must be inspected and approved by the Conservation Agent/staff before work can commence. \*Haybales are not allowed in Peabody; **4)**The Water Bypass Detail MUST be submitted and approved BEFORE any work commences on the site; **5)** The property owner/representatives MUST work with the city's Health Department PRIOR to work starting to create a Rodent Mitigation Plan. Evidence that this condition was met can be emailed to the above referenced staff email address; **6)** Once work commences the PCC must be updated monthly via email to the Conservation Agent or staff (presently the contact is: lucia.delnegro@peabody-ma.gov); **7)** Six (6) months after work starts (or sooner) the commission respectfully asks that there is a follow up meeting with the commission at a public hearing to discuss and update if necessary. The reason for the meeting is to discuss the update on the cleanup and any issues encountered as made by Mr. Wojcik. Seconded by Mr. Lazares. Adopted unanimously.

**2. A Public Hearing on a Request for Determination of Applicability submitted by VHB (Jocelyn Gambone, PE) for Tannery Limited Partnership. The proposed project consists of a 1,500SF dog park with discharge to an existing culvert. The property is known as 0 Crowninshield Street, Map 74, Lot 65C, Peabody MA.**

**Present:** Jocelyn Gambone PE (VHB), Sarah Ebaugh (VHB) and Matthew Curtin (Winn Development)

**Summary:** Sarah gave a power point presentation for the proposed dog park. The commission asked for the following to be revised: **1)** Revise O&M Plan (sand filter maintenance blurb about if subsurface starts to fail or pond) and add names of responsible parties; **2)** Revise plan (observation port, revise detail adding geotextile fabric between crushed stone top layer/sand layer [sand layer needs geotextile fabric on top of it], revise plan showing signs.) Conservation staff was concerned with the connection to the culvert with only a sand filter being used as treatment. Dog waste is high in bacteria. The commission felt the treatment was adequate. There will be signs posted, bags and a barrel for proper dog waste disposal. There were no comments from the public.

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

Motion to issue a Negative Determination with the following conditions incorporating the revisions stated above: 1) Erosion controls must be inspected by staff before work can commence (catch basin protection); 2) The O&M Plan is in perpetuity and MUST list names of contacts on final version. DPS and ConComm shall have a revised copy on file before work can start; 3) The applicant shall take precautions necessary to mitigate any damage to the newly paved Crowninshield Street during the construction of the dog park. Owner must restore the street surface as appropriate if damaged; 4) The applicant shall submit a full set of As Built drawings to the engineering department of DPS upon completion of the dog park; 5) The applicant shall adhere to it's posted solid waste removal policy for the dog park in order to mitigate any potential stormwater quality effects from the site. ALSO reminding the applicant they MUST submit the following for review and approval before the permit will be drafted: 1) Revise O&M Plan (sand filter maintenance blurb about if subsurface starts to fail or pond) and add names of responsible parties; 2) Revise plan (observation port, revise detail adding geotextile fabric between crushed stone top layer/sand layer [sand layer needs geotextile fabric on top of it], revise plan showing signs) as made by Mr. Wojcik. Seconded by Mr. Lazares. Adopted unanimously.

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Sarah Ebaugh (VHB) asked if she could also go over some minor changes to a project that has already started under another filing **DEP No. 55-869**. A few trees will need to be removed and replaced plantings throughout the site. Massachusetts Architectural Board (MAAB) is asking for a feasible option to connect Crowninshield Street sidewalk and the accessible entrance at building N. The existing chimney smokestack will be partially demolished and was previously approved administratively through the commission's agent. The Historic Commission has since been involved and is requesting a ten-foot portion of the smokestack to remain, a historic plaque be mounted, and a walkway to be constructed. The walkway would be constructed with permeable pavers. **Discussion ensued** regarding capping the smokestack to keep critters and rainwater out of the chimney. The final change to 55-869 is an additional tree will need to be removed to make room for the proposed generator pad. Plantings will be replaced on site in other more suitable locations. Discussion ensued. The commission stated all changes were fine but need to be shown on the As Built Plan when filing for a Certificate of Compliance. No motion was needed.

### **ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION**

**3. A Public Hearing on an Abbreviated Notice of Resource Area Delineation submitted by Wetlands & Land Management (William Manuell) for 13 Wallis Street (Alfred Dimambro, Trustee). The applicant is seeking confirmation for the extent and location of wetland resource areas that may be subject to jurisdiction under the Massachusetts Wetland Protection Act and the City of Peabody Wetlands Ordinance within and surrounding the property known as 13 Wallis Street, Map 85, Lot 41A, Peabody MA.**

**Present:** William Manuell (Wetland Scientist- Wetlands & Land Management, Inc.)

**Summary:** Presently and historically the property has been used as a contractor's yard for the last seventy years (debris, trailers, fill piles and refuse show on the survey). The entire property is riverfront to the North River. All parties agree it is a perennial stream. The bank of the North River is a cut granite block wall. There is also FEMA AE Zone and Regulatory Floodway. Base flood elevations vary on portions of the site. **Discussion ensued.** The plan needs to be revised to demarcate the Regulatory Floodway and differentiate it from FEMA Flood zones. The consultant felt the Regulatory Floodway was more for a Building Code issue and not necessarily wetlands related. The commission still felt it should be shown on the revised plan. Mr. Callahan (Assistant Director of Planning) was asked a brief question from Commissioner Wojcik about the potential for this site being included in the city's Riverwalk Proposal. The item was open to members of the public. A resident Russell Donovan asked if a project was proposed. The Agent stated at this point it is a delineation approval only. There was further discussion with Mr. Callahan regarding the future Riverwalk Project in the city. Mr. Callahan stated, "at this point yes the city is very much interested in a portion of the property for the Riverwalk." The property owner has not made any agreements about selling the property to the city. The plan needs to be revised before the Agent can release said ORAD as discussed.

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

Motion to issue an ORAD that will be held until the plan is revised as discussed - motion made by Mr. Wojcik. Seconded by Mr. Comak. Adopted unanimously.

### **ENFORCEMENT ORDER**

**4. 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.**

**Present:** William Manuell (Wetland Scientist- Wetlands & Land Management, Inc.)

**Summary:** The property owner hired Wetlands & Land Management, Inc. to draft a Wetlands/Buffer Zone Mitigation Plan. All fill has been removed from the wetlands and the border/buffer has been reestablished. The area has been restored and reseeded. The only thing to do now is wait for the vegetation to grow in. The agent will be in touch with the wetland scientist in November to find out how the vegetation is growing in. Bill Manuell stated he would submit a progress report in October of this year.

Motion to continue until the November hearing or next Spring 2021 as made by Mr. Wojcik. Seconded by Mr. Lazares. Adopted unanimously. (The meeting date is TBD-Progress report due in October 2020).

### **EMERGENCY CERTIFICATE**

**5. To be ratified/discussed: 2nd REQUEST since May 2020 for an Emergency Certificate to remove a beaver dam and trap beaver population located along the bike path near Crystal Drive. Work start date asap. The last EC was issued for work during the 5.8.20 - 6.6.20 timeframe.**

**Present:** William Stansfield (City of Peabody Environmental Engineer)

**Summary:** The beaver dam has been breached numerous times over the last ten (10) years. The debris will be removed in the next few days. The old beaver deceiver remnants have been removed from the site. The deceiver has not been functioning since 1998. The city hired a beaver consultant. He stated that a beaver deceiver in this area was not practical. The commission highly disagrees and would like to see a new beaver deceiver replaced and maintained in this location. Discussion ensued regarding an EC and a NOI for this type of work. The commission does not want to keep issuing Emergency Permits for this breach. They want a new deceiver installed. Ms. DelNegro stated she would try to find out if Conservation Land Funds could be used for this expenditure. Bill Stansfield stated he received a quote for a deceiver in the amount of four to six (4-6) thousand dollars and agrees the city could save money in the long run if it was installed. The trapper charges two to five (2-5) thousand dollars each time he comes out to trap. The commission asked that DPS file an NOI for any future breaches/deceiver. Bill Stansfield stated it would not be an issue.

Motion to ratify the EC as made by Mr. Wojcik. Seconded by Mr. Lazares. (The motion passed 4-1 with Vice Chairman Comak not present).

**Other discussion items:** Staff will touch base with the Recreation Department regarding geese at Crystal Lake. Signs to not feed the geese and coyote decoys are needed immediately at Crystal Lake. The geese are overtaking Crystal Lake. Dogs could be allowed on a temporary basis to scare the geese away. **Discussion ensued.** There was further discussion regarding the vacancies on the commission and the need to fill them asap.

● **Adjournment** - Motion to adjourn as made by Mr. Wojcik. Seconded by Mr. Vivaldi. Adopted unanimously.

**The meeting adjourned at 10:02 PM -The next meeting will be held via zoom on 9.16.2020.**

Respectfully submitted,

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**Chairman Michael Rizzo**