



City of Peabody
Conservation Commission

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

MINUTES

APRIL 10, 2019
DEPARTMENT OF PUBLIC SERVICES
50 FARM AVENUE

MEMBERS PRESENT

Chairman Michael Rizzo
Vice Chairman Bruce Comak
Travis Wojcik
Bryan Howcroft
Stewart Lazares
Craig Welton (arrived at 7:13 pm)
Michael Vivaldi (alt.)

MEMBERS ABSENT

Melissa Feld, Secretary

Also Present: Lucia DelNegro, Conservation

CHAIRMAN RIZZO CALLED THE MEETING TO ORDER at 7:03 pm

PROPOSED NEXT MEETING DATES- May 8, 2019 AND June 12
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.**

Alternate commissioner Michael Vivaldi was given voting rights in the absence of the full commission.

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 a 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. Lazares. Seconded by Mr. Wojcik. Adopted unanimously.

NOTICE OF INTENT

2. 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. Lazares. Seconded by Mr. Wojcik. Adopted unanimously.

CERTIFICATE OF COMPLIANCE

3. A continued request for a Certificate of Compliance made by Frederic King on DEP file Numbers 55-788 and 796. The project was the construction of Higgins Middle School and athletic fields (with irrigation system), Maps 83 & 84, Lots 090, 214 & 215, Peabody MA.

The item was continued at a previous meeting until May 8, 2019. No motion was needed.

4. 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.

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

NOTICE OF INTENT CONTINUED

5. 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.

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

6. A continued Public Hearing on a Notice of Intent submitted by Greg Hochmuth- Williams & Sparages, LLC for Patrick Coburn-AmConCorp (applicant). The proposed work is the demolition of an existing single-family home and the redevelopment of the property to include a commercial building and parking lot. The property is known as 3 Mount Pleasant Drive, Map 29, Lot 6, Peabody MA.

Present: Greg Hochmuth (Williams and Sparages LLC) and Patrick Coburn (applicant/owner)

Documents: Memorandum from DPS dated 4/3/2019; Buffer Zone/Wetlands Restoration drafted by William & Sparages dated 4/2/2019; original NOI submittal dated 12/10/2018; stormwater report revised on 2/20/2019; Long Term Operation & Maintenance Plan revised date of 2/20/2019; Plans with a final revision of 3/21/2019 (sheets 1-5).

Discussion ensued. The plan has been changed since the original submittal. Conservation staff was concerned with the work in close proximity to the bank and BVW. The commission will add a condition for a wetland scientist to be on site during said work. A dentist office may be located on the first floor. They will most likely need to have an underground storage tank somewhere on the property. The location was unknown currently. Some members of the commission were also concerned with the build out of the property (trash receptacle next to intermittent stream, parking area close to resource etc.). Mr. Hochmuth reminded the commission that the property is grandfathered for commercial use. The applicant is proposing to pave a large portion of the site. Mr. Hochmuth stated that the proposed work met the stormwater standards. The commission made it clear that they do not want snow being dumped into the stream or the BVW. Mr. Coburn stated he can have the snow removed off site if necessary. **Discussion ensued.** There were no members of the public that wished to comment on the project. The plan will need to be revised to address the commission's comments. The commission discussed proposed conditions and revisions to said plans.

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

Motion to issue a standard Order of Conditions 1-47 also adding the following conditions: **48)** A wetlands scientist must be on site during the construction of the basin and during the planting process for the buffer zone enhancement area; **49)** Daily reports must be filed with commission staff during the plantings/detention basin construction; **50)** Low phosphorus fertilizer only; **51)** Porous pavers for walkway in back *(must be shown on new plan with detail)*; **52)** Four new signs along riverfront (granite posts 3 feet in ground 3 feet above grade) *(need revised plan)*; **53)** If the owner/applicant cannot get permission from the abutting parcel to plant in regards to the buffer zone enhancement plan the owner must request an Amendment to the Order of Conditions for any anticipated changes; **54-57)** Will's comments as listed on memorandum also adding staff must hold the Order until engineering signs off as made by Mr. Comak. Seconded by Mr. Lazares. Adopted unanimously.

Commissioner Bryan Howcroft recused himself from the discussion of item #7.

7. A Public Hearing on a Notice of Intent submitted by VHB, Inc. (Amanda Lansing) for Crowninshield Apartments Associates. The project is proposing landscape and recreation area improvements, parking lot improvements and upgrades to building facades at the existing Tannery Apartments. The property is known as 0 Warren Street, 3 Berry Street and 0, 15 & 18 Crowninshield Street, Maps 74 & 75, Lots 65C & 65A, 274C, 274A, 018 & 006A, Peabody MA.

Present: Jocelyn Mayer (VHB-Civil Engineer); Tess Paganelli (VHB- Wetlands Scientist); Michael O'Brien, Matthew Curtin and Adam Stein (Winn Development); also present was the property owner (didn't introduce himself to commission-name unknown)

Documents: Site Plans-Tannery Apartments-Crowninshield Street, Peabody MA drafted by VHB originally dated March 6, 2019 with sheets C-1 and C-2 having a final revision date of April 9, 2019. *Sheet C-1- Layout and Material Plan-stamped by Jocelyn R Mayer with a final revision date of 4.9.2019. Scale: 1"=40'. *Sheet C-2- Landscape Plan-stamped by Jocelyn R Mayer with a final revision date of 4.9.2019. Scale: 1"=20'; Sheet SV-1-Existing Conditions Plan- stamped by

Russell J Bousquet dated 12.19.19. [*revised sheets C-1 and C-2 have removed the full depth reclamation and the culvert/retaining wall repairs (recommended by Pare Corporation) along Proctor Brook and Crowninshield Pond. The plans have been revised since the original submission.]

Summary: Winn Development is in the process of purchasing the property. The project is proposing landscape and recreation area improvements, parking lot improvements and upgrades to building facades at the existing Tannery Apartments. The existing recreation area will be upgraded and will provide handicap entrance (elevated boardwalk) to the park. The new plan will provide plantings. There is no work proposed on the gazebo side of the pond. Ms. DelNegro stated there were swans at the pond on her site visit. A resident approached her and stated last year he tried moving her eggs, so they would not be flooded by high waters. There was a brief discussion about the possibility of placing a sign in this area to read "Do Not Disturb Wildlife-Do Not Feed." The Berry Street parking lot plan currently does not show erosion controls. Staff suggested a variety of erosion controls will be needed due to site restraints. The erosion controls will be discussed by the applicant's representative and city staff before any work is done at the parking lot. The parking area will only be milled and repaved. Full depth reclamation has been removed from the revised plans. There was a discussion about trash along the railroad tracks (car parts, construction debris, beer bottles, trash bags full of garbage etc.). This area is notorious for illegal dumping. There was also a discussion about the stormwater checklist. The applicant is providing hoods on all catch basins in the project vicinity where none exist today. There will be no other upgrades to the stormwater components at this time. The applicant will investigate installing rain gardens in the parking lot near "Building I" if possible. **Discussion ensued.** They will be back to the commission with a second NOI regarding the culvert/Proctor Brook dam/retaining wall upgrades. 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 standard Order of Conditions 1-47 adding the following conditions: **48)** Hoods shall be installed on each catch basin within the project limits. As shown on figure 1 dated 4.9.2019 (see O&M plan) drafted by VHB; **49)** Snow Storage Plan dated 4.9.2019 drafted by VHB (see O&M Plan); **50)** Signs shall be placed along the edge of the Berry Street parking lot and the resource area. The signs should read similar phrasing "No Dumping-Conservation Area-Police Take Notice". The new property owner shall look into installing a real or fake camera to deter dumping into the resource area. The property owner will work with the city in the future to try and clean this blighted area; **51)** The conservation agent **MUST** be contacted when erosion controls are installed along the Berry Street parking lot. work cannot commence until the erosion controls have been deemed satisfactory by city staff or the commission; **52)** The property owner will look into the use of rain gardens as discussed at the April 10, 2019 hearing specifically landscaped island areas shown on sheets C-1 & C-2 (parking areas near building I); **53)** If non-biodegradable netting is used on the straw wattles; netting shall be collected and disposed of off-site. The commission prefers the use of biodegradable netting. Contingent on city engineering signing off on said project as made by Mr. Comak. Seconded by Mr. Welton. Adopted unanimously. (6-0 with Mr. Howcroft recusing himself).

APPROVAL OF MINUTES

8. MINUTES- February and March 2019

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

SUBCOMMITTEE REPORTS

- Land Acquisition Committee- Chairman Rizzo NONE

NOMINATION COMMITTEE:

- Chairman Rizzo to appoint a commissioner as a one person nominating committee for Commission officers.

Commissioner Bryan Howcroft was appointed as the one person nominating committee.

OTHER

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

Storm Drain Survey-MS4: The commission discussed the City Council vote that was made by Councillors Rossignoll and Saslaw. The commission stated it is required for MS4 compliance. The commission asked conservation staff to reach out to the engineering department and the MS4 representative for the city to discuss making sure these items have been completed.

Beaver Deceiver near Crystal Lake/Bike Path: The commission discussed the beaver dam that was recently breached (via Emergency Certificate with a start date of 3/30/19, end date of 4/28/19). The following conditions were placed on said EC:

D. - Special Conditions:

- 1- The beaver dam shall be removed slowly section by section to avoid erosion and sedimentation from the release of the ponded water as well as to control the velocity and volume of runoff leaving the impoundment.
- 2- Any trash (i.e. plywood, debris from removed dam) will be removed from site and disposed of properly.
- 3- No living trees or shrubs shall be removed.
- 4- The Conservation commission must be notified in writing once all the work is complete.
- 6- This Form only allows the breaching of said dam as well as maintenance of existing flow devices (beaver deceivers).

The commission asked staff to follow up with DPS to find out why they have not removed the dam debris from the site yet. The conditions of the Emergency Certificate require all debris to be taken off site and disposed of properly. Any debris along the bank and buffer is considered fill. The beaver deceiver needs to be removed and replaced with one that will function properly. There is a group of residents that do not feel the city is managing the beaver situation appropriately (constant breaching of dam and trapping of beavers without a functioning beaver deceiver). There is also a married couple that resides on Pine Street. They believe that there is a threat of mosquito born illnesses in their backyard due to soggy wetlands on their property and abutting properties. Other residents feel that the breaching of the dam could now be causing a threat of mosquito born illness near the bike path in the area of the recently breached dam (Elginwood Pond near Crystal Drive). **Discussion ensued.** The mayor's office and the director of the health department will work together with the commission and residents on this item in the near future.

SOLitude: There was brief discussion regarding the SOLitude contracts. The contact for this project going forward will be the Director of DPS Robert Labossiere.

Chrome Book/Tablets for Commissioners: The Commission asked staff to continue following up with research regarding the price point for said tablets. Staff explained she will need the green light from her boss before proceeding any further.

Storm drain signage-dumps to resource:

A few years ago, DPS spray-painted the following similar wording next to some catch basins throughout the city: "Drains to Resource-No Dumping". The commission wanted to know if they would be repainted or the possibility of plaques being mounted to each catch basin that dumps directly to a resource.

Adjournment:

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

The meeting adjourned at 9:35 PM

Respectfully submitted-

Chairman Michael Rizzo