



City of Peabody Conservation Commission

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

MINUTES

JANUARY 12, 2022

Via Zoom ID 833 0966 5012

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 *as extended on June 15, 2021 with the Governor signing of Senate Bill # 2475 Suspending certain provisions of the Open Meeting Law*, allowing public bodies greater flexibility in utilizing technology in the conduct of meetings under the Open Meeting Law, this meeting of the Peabody Conservation Commission was conducted via remote participation to the greatest extent possible.

MEMBERS PRESENT

Chairman Stewart Lazares
Vice Chairman Michael Rizzo
Sec. Michael Vivaldi
Arthur Athas (left meeting at 8:08pm)
Bruce Comak
Travis Wojcik
Alt. Amanda Green (left meeting at 10:49pm)

MEMBERS ABSENT

Melissa Cantin
Alt. RitaMarie Cavicchio

Also Present: Lucia DelNegro, Conservation Agent

CHAIRMAN LAZARES CALLED THE MEETING TO ORDER at 7:00 pm

In the absence of Commissioner Cantin Alternate Amanda Green had voting rights.

► Request for an Extension Permit on DEP File No. 55-797. The request is being made by Douglas White. The project is dwelling replacement, cottage restoration and other upgrades located at 15 Elginwood Road (map 33, Lot 33x). Per Tolling the Order expires on May 13, 2022. The applicant is asking for a one-year extension per the local ordinance.

Present: Douglas White (property owner)

Motion to extend **DEP file no. 55-797** for one year (extending until 5.13.2023) as made by Mr. Vivaldi. Seconded by Mr. Wojcik. Adopted unanimously 7-0.

REQUEST FOR DETERMINATION OF APPLICABILITY

1. A continued Public Hearing on a Request for Determination of Applicability submitted by Anthony Capachietti (Hayes Engineering) for Mills58 II LLC c/o Edward Greeley (applicant/owner). The proposed work is the construction of a parking area and stormwater infiltration system for rooftop runoff within 100 feet of an isolated vegetated wetland under local jurisdiction. The property is known as 58 Pulaski Street, Map 53, Lot 87, Peabody MA.

Motion to continue as made by Mr. Rizzo. Seconded by Mr. Athas. Adopted unanimously 7-0.

2. A continued Public Hearing on a Request for Determination of Applicability submitted by Greg Hochmuth (Williams & Sparages) for JDT Group LLC. The applicant is seeking confirmation of wetland boundaries, sensitive areas. This application is for verification of wetland boundaries confirmation only and not for the redevelopment of said lot. The property is known 0 Newbury Street, Map 088, Lot 007, Peabody MA.

Motion to continue as made by Mr. Athas. Seconded by Mr. Wojcik. Adopted unanimously 7-0.

3. A Public Hearing on a Request for Determination of Applicability submitted by Attorney John R. Keilty for 49 Tremont LLC. The proposed work was originally approved under DEP File No. 55-801 which has lapsed. Most work proposed in ConComm jurisdiction has been completed. The applicant needs a Negative Determination to continue construction of a commercial building previously approved. The property is known as 49 Tremont Street, Map 76, Lot 402, Peabody MA.

Present: Attorney John R Keilty (legal counsel)

Discussion ensued. Various commission members will conduct a site visit on 1.14.2022 at 2:30 pm.

Motion to issue a Positive Determination stating that the work requires the filing of a new Notice of Intent as made by Mr. Athas. Seconded by Mr. Wojcik. Adopted unanimously 7-0.

NOTICES OF INTENT

4. A Public Hearing on a Notice of Intent submitted by Dominic Meringolo (SOLitude Lake Management) for the Department of Public Services (Peabody). The proposed work is an aquatic plant management program for Crystal Lake, Elginwood Pond, Mill Pond, Sidney's Pond, Bartholomew Pond, Devils Dishfull, Browns Pond, Upper Spring/Lower Spring Ponds, Fountain Pond, Winona Pond and Suntaug Lake to control nuisance and invasive vegetation with DEP registered mechanical techniques. All waterbodies are listed above and are located in Peabody MA.

Present: Dominic Meringolo (SOLitude Lake Management)

Discussion ensued. The item was open to members of the public.

Stacy Pulumbo- 265 Lynn St (Browns Pond abutter)

MS PULUMBO: I live on Browns Pond. I have been in plenty contexts and messages with Stew. I have been in the backyard meetings at my sister's house about Browns Pond. I love the fact that it is being looked at and cleaned out all that stuff. I just want to add that you think no one is on here because we didn't raise our hands. We are on and we are listening. We did get the notice and that is why I am on this meeting to hear about what is concerning my pond and my backyard. I still would like notification of what you are doing. And yes, I probably don't need it for all the ponds but maybe the one I live on. Like what you said about the phone call from city hall. I continue to listen if it has to do with me or my kid's school. Otherwise, I hang up. maybe doing a cold call out to everyone saying, "on Browns Pond this message is for you." I understand you don't have all of our email addresses. You did get our attention and we are here. I would like to be involved and be a part of whatever decisions are made.

Jim Tully- 136 Winona Street (Devils Dishfull abutter)

MR TULLY: We are here listening in on the meeting. We are on Devils Dishfull Pond. We really like the work that SOLitude has done over the last couple of years. It has really knocked down a lot of the high vegetation. To Dominic's point, there is no depth at the back of Devils Dishfull Pond. The Lake Street side has some depth to it. I would say the back half has very little. The vegetation and composting are very high in the water. We are all for the harvesting. Thank you for the work you are doing.

Motion to close the public hearing as made by Mr. Rizzo. Seconded by Mr. Vivaldi. Adopted unanimously 6-0. (Mr. Athas not voting because he left hearing early.

Motion to issue a Standard DEP Order of Conditions adding the following special conditions: **1)** Each waterbody project will be treated separately and will be completed as funds allow; **2)** Before work starts at each waterbody the following is required: **a.)** The work plan will include a description of the impairment to be addressed, the technique proposed for use, the areas in the lake/pond/reservoir where work will be implemented and an access/disposal plan, **b.)** Narrative for each waterbody specific to the scope of work to be performed (ex- how will the waterbody be accessed, plans, scope of work, staging locations, stockpile requirements and plant debris removal strategy, location and number of signs that will be erected notifying the public). A separate narrative and plan of action is required for each separate waterbody BEFORE work can commence, **c.)** Notification to the public will happen again before work at each separate waterbody as follows: Discussion item at a regularly scheduled ConComm hearing, Robocall from the mayor's office, newspaper ad or article, Ward Councillors reaching out to their constituents, signs to be erected at each waterbody before work commences (location, size and amount to be listed in the narrative mentioned above) as made by Mr. Rizzo. Seconded by Mr. Comak. Adopted unanimously 6-0 with Mr. Athas not voting as he left hearing at 8:08 pm).

5. A Public Hearing on a Notice of Intent submitted by Fred King (DGT Associates) for Mayor Edward Bettencourt. The proposed work is the rehabilitation of the existing school building with minor site improvements including pedestrian walkway repaving, playground repaving, accessibility improvements, minor utility work, stormwater management and landscaping. The property is known as 50 Swampscott Avenue, Map 104, Lot 049, Peabody MA.

Present: Vivian Lowe (Dinisco Design), Kevin Riopelle (DGT Associates), Fredric King (DGT Associates), William Brown (Landscape Architect)

Summary: Dinisco Design gave a presentation of the proposed project. The project is a renovation project. It will be a phased occupied construction. They are seeking LEED certification and are on track to achieve LEED silver. The site is about a 19-acre site. It abuts Stormwater Brook, O'Conner Park and a residential neighborhood. Sidewalk work is proposed to provide accessible paths from abutting neighborhoods (including curb cuts and curbing work). The project will also relocate accessible parking spaces as well as an accessible path from the parking area to the building. The existing playground will be redesigned as well as the basketball court being repaved. They will use the current basketball court for staging and stockpiling during construction. There is also a 425 square foot building addition, interior redesign, and trenching (sprinkler etc.). Trees and shrubs will also be planted as part of the project. Existing stormwater features (bioretention basin, porous asphalt parking lot and other basins) will remain, and two new stormwater features are included in the redesign. **Discussion ensued.** There were no members of the public that wished to speak at this time.

Motion to continue until the February hearing as made by Mr. Vivaldi. Seconded by Mr. Rizzo. (The item passed 5-1 with Mr. Comak not voting).

6. A Public Hearing on a Notice of Intent submitted by Ann Marton (LEC Environmental Consultants, Inc.) for R.J. Kelly Management LLC. The owner is Analogic Corporation (Andrew Prete). The proposed work is the redevelopment of the property as a storage warehouse facility including razing and removing all existing buildings and infrastructure and constructing a new state-of-the-art storage warehouse building with internal circulation, parking, loading facility, supporting infrastructure. The property is known as 8 Centennial Drive, Map 91, Lot 6, Peabody MA.

Present: Ann Marton (LEC), Scott Cameron (Morin Cameron Group) Shawn Smith (RJK)

Summary: Tonight's hearing was an introduction of the project to the commission. They are currently in front of other boards for various approvals. Ann Marton and Scott Cameron both gave a presentation and a discussion ensued regarding an Amazon warehouse coming to Peabody. Currently there is a section of pavement next to the resource area. It will be pulled back and a stormwater feature will be installed in its place. **Discussion ensued** regarding the proposed work. Mr. Rizzo felt more soil borings were necessary for stormwater design and drainage purposes. Ms. Green reminded the commission that Analogic is a 9-5 business. The proposed redevelopment will be a 24-hour use. She was concerned about light pollution, noise pollution and habitat disruption among other things associated with such a large redevelopment project associated with an active warehouse. Chairman Lazares asked about solar panels on the roof. The building will be solar ready, but the applicant did not answer if panels will be installed. There were no members of the public that wished to speak.

Motion to continue as made by Mr. Rizzo. Seconded by Mr. Comak. (Adopted unanimously 6-0)

7. A continued Public Hearing on a Notice of Intent submitted by William Manuell (Wetlands & Land Management, Inc.) for Regency Realty Trust-Alfred Dimambro (Trustee). The proposed project is the construction of two buildings and site improvements paving, utilities etc. in riverfront to the North River. The property is known as 11-13 Wallis Street, Map 85, Lot 41A, Peabody MA ITEM CONTINUED UNTIL THE JANUARY 12, 2022 HEARING

Motion to continue as made by Mr. Rizzo. Seconded by Mr. Wojcik. (Adopted unanimously 6-0)

CERTIFICATES OF COMPLIANCE

8. A continued request for a FULL Certificate of Compliance as made by Attorney Mathew Snell on behalf of Stahl (USA), Inc. for DEP file 55-312. The project was the construction of a service building with associated appurtenances and land grading. The address is known as 13 Corwin Street, Map 92, Lot 6, Peabody MA.

Motion to continue as made by Mr. Wojcik. Seconded by Mr. Comak. (Adopted unanimously 6-0)

9. A continued request for a FULL Certificate of Compliance as made by Attorney Mathew Snell on behalf of Stahl (USA), Inc. for DEP file 55-323. The project was the construction of a commercial building with associated appurtenances, grading and mitigation efforts for the demolition of an existing building and it's appurtenances to accommodate commercial building. The address is known as 13 Corwin Street, Map 92, Lot 6, Peabody MA.

Motion to continue as made by Mr. Wojcik. Seconded by Mr. Vivaldi. (Adopted unanimously 6-0)

10. A continued request for a FULL Certificate of Compliance as made by Frederick Hostrop (Neptune Engineering) on behalf 160 Main Street Realty LLC (Nikolay Polinovskiy) for DEP File No. 55-793. The project was the redevelopment of a previously degraded site for commercial and residential use. The address is known as 166 Main Street, Map 086, Lot 150B, Peabody MA. Partial CC has been issued. Item will remain on agenda until a Full CC can be requested.

CONTINUED UNTIL May 2022 at a previous hearing - no motion needed

ENFORCEMENT ORDER/VIOLATION ORDERS

11. A continued discussion on a Violation Order issued to M&R Trucking and Paving for the alleged violation: Washing fleet trucks with soap in riverfront and draining the water contents directly into the river with no treatment or permission from the local commission or stormwater committee. The address is known as 119 R. Foster St., Peabody MA.

Present: Michael Wood M&R Trucking and Paving (violator)

Summary: The chairman requested some form of treatment before the water reaches the river. He felt this would fall under stormwater management and some protections needed to be put in place to continue truck washing in riverfront. Vice Chairman Rizzo also agreed that treatment would be preferred and mentioned a drywell. He stated it was not up to the commission to design a system for the violator. Ms. DelNegro stated she called DEP. They suggested the property owner file an NOI to make sure that an O&M was made part of the request. Staff also reminded the commission that the city has a local stormwater ordinance, and this work was not approved by the committee. Mr. Comak commented on the agent contacting MASSDEP for advice.

Motion to continue as made by Mr. Rizzo. Seconded by Ms. Green. (Adopted unanimously 6-0)

12. A continued Enforcement Order issued to Pedro Polini for work 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.

Motion to continue as made by Mr. Rizzo. Seconded by Ms. Green. (Adopted unanimously 6-0)

OTHER AND DISCUSSION ITEMS

● **Discussion items:**

Chairman Lazares asked to create a subcommittee to review the bylaws/local ordinance Chapter 32. The commission did not feel that they wanted to do that at this time. They did agree that fines should be revised. Ms. DelNegro has been conducting fee comparisons for years and agreed that the fees for Peabody are very low compared to abutting city and towns. The local permit fees are outdated and have not been revised since 2003. Staff will work on revising local permit fees.

● **MINUTES- November 17 and December 8, 2021 remotely held -No vote taken.**

● **Adjournment**

Motion to adjourn as made by Mr. Wojcik. Seconded by Mr. Rizzo. (Adopted 5-2) With Mr. Athas and Ms. Green not present) **The meeting adjourned at approximately 11:00 PM**

Respectfully submitted, (To be signed electronically)

Chairman Stewart Lazares