



City of Peabody Conservation Commission

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

MINUTES

DECEMBER 16, 2020

Via Zoom ID 871 4073 0806

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
Arthur Athas
Michael Vivaldi

MEMBERS ABSENT

Melissa Feld-Cantin
Amanda Green (Alt.)

Also Present: City Councillor Edward Charest; Lucia DelNegro,
Conservation Agent

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

REQUEST FOR DETERMINATION OF APPLICABILITY

1.A Public Hearing on a Request for Determination of Applicability submitted by Brad Linehan (owner). The proposed work is the addition and deck to a single-family home. The property is known as 1 Allen Road Extension, Map 108, Lot 341, Peabody MA.

Present: Brad Linehan (property owner)

Documents:

- ▶ Wetlands Report letter drafted by Hancock Associates- signed by David Cowell, PWS, CWB, CERB Senior Wetlands Scientist dated 10.28.2020
- ▶ Plot Plan of Land Peabody MA- 1 Allen Road Ext. stamped by David Terenzoni- PLS Dated 8.26.2020
- ▶ GIS printout showing estimated wetlands in location to proposed work.

Summary: The property owner gave a brief description of the proposed work. The Chairman allowed all commissioners to speak if they so wished. The item was open to members of the public. Susan McCatherine of 2 Allen Road was present. She was not necessarily against the project. However, she was very concerned with runoff and how it would affect her property. The applicant is proposing a full basement. She feels that this may change the drainage and cause her property to possibly flood in the future. Sections of this neighborhood are prone to floods during severe rainstorms and numerous days of raining. In 2006 during the Mother's Day storm properties on Cherwick Road and Arnold Road were holding flood waters in basements and backyards. Conservation staff was also concerned that full basement may be prone to flooding in this neighborhood. The RDA did not describe a full basement proposed in the narrative. The applicants did not conduct any soil sampling to determine the elevation of groundwater. They expressed that they were unconcerned if the new basement flooded and wanted to keep the design with a full basement. Presently the applicants have no issues with flooding. Susan stated she has a sub-pump in her basement and has had constant flooding issues on her property and in her house. Ms. McCatherine was also concerned about the elevation change. Her house is lower than the proposed addition. The addition is also located near the edge of a grade change. Ms. McCatherine was concerned if the integrity of the slope would be compromised during construction. If the slope was compromised her property would be directly affected. The commission did not feel that her concerns were warranted and felt they could vote on the Determination without causing unnecessary harm to her property. No work or activity will be allowed in the Utility Easement as shown on the plot plan.

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

Motion to issue a Negative Determination with the following conditions: **1)** All work must be done per approved plans; **2)** Conservation staff must be notified in writing BEFORE work can commence. Please email lucia.delnegro@peabody-ma.gov **3)** The erosion controls MUST be inspected BEFORE any work can commence. Haybales and plastic non-biodegradable meshing are not allowed in Peabody. Please contact commission staff for help choosing the appropriate erosion controls; **4)** Any soil that will not be used for backfilling MUST be removed off site immediately. The soil that will remain for backfilling around the foundation MUST be secured with erosion controls around it as made by Mr. Wojcik. Seconded by Mr. Vivaldi. Adopted unanimously.

NOTICE OF INTENT

(Due to technical issues: Vice Chairman Comak did not participate in the vote on Item #2)

2. A continued Public Hearing on a Notice of Intent submitted by William Manuell (Wetlands & Land Management) for Adib Elias (Jack Elias, LLC). The proposed work is the installation of fuel tanks within the paved parking area. The NOI states the site previously was a filling station. The property is known as 468 Lowell Street, Map 48, Lot 94, Peabody MA.

Present: Steven Fleming (Vineyard Engineering & Environmental Services Inc.), Athan Vontzalides, Esquire (legal counsel), Adib Elias (Jack Elias LLC)

Documents:

- ▶ Site Plan located in Peabody Massachusetts prepared for Jack Elias, LLC prepared by Vineyard Engineering & Environmental Services Inc. Scale: 1"=20'. Stamped by James J Abely PLS dated 12.8.2020 (to be revised)
- ▶ Groundwater Management Plan 12.1.2020 drafted by Vineyard Engineering & Environmental Services, Inc.
- ▶ Soil Management Plan 11.16.2020 drafted by Vineyard Engineering & Environmental Services, Inc.
- ▶ AUL recorded in bk-13668 pg- 591

Summary: Discussion ensued regarding ground water and soil management. Sovereign Consulting is the LSP of record and they were not present at the hearing. All work must be done per MCP guidelines. They are not anticipating the need to dewater but described the procedure they would follow if necessary. Frac tanks will be on site. More details were provided in writing on the plan and will be made part of the Order. A structural engineer will need to submit further plans for the steel plates during dewatering and underground tank work. **Discussion ensued** regarding groundwork, concrete pads, and asphalt coverage. They are hoping to be able to save the existing fueling islands, but the pumps and the lines will need to be replaced. *Chairman Rizzo asked for the plan to be revised showing the following: proposed area of pavement (milling and overlay limits) and concrete pads replacement.* The project is not intending to expand impervious surfaces on site. The existing paved areas will be disturbed and will require a new hot mix asphalt etc. Chairman Rizzo would like these limits added to the plan (ex. new concrete pad, new pavement reconstruction area estimated SF). **Discussion ensued.** The item was open to the public for discussion.

City Councillor Edward Charest

CLLR CHAREST: This is not my ward. Thank you for allowing me to speak. My ward is across the street. The constituents across the street have voiced many concerns and past contamination issues. Will removing this soil make the wetlands vulnerable?

Discussion ensued. The tanks are in the buffer zone, but the islands are outside the BZ. The chairman asked if the LSP or consultant could answer the Councillor's question regarding the safety and the contamination during construction. The consultant, Mr. Fleming, stated there is a Soil Management Plan that was provided with the NOI and will be made a part of the Order. The site is presently considered an open hazardous waste site. He explained that removing any impacted contaminated soil will be done per MCP guidelines and will only improve the site conditions and removes overall contaminant mass. **Discussion ensued.** The new tanks and systems are more sophisticated compared to the older version on site years ago that historically leaked. **Discussion ensued** regarding the soil management and testing. There were no further comments from the public.

Motion to close the public hearing as made by Mr. Lazares. Seconded by Mr. Wojcik. (Motion passed 5-0 with Vice Chairman Comak not voting).

The commission asked for the following before the permit can be released:

► Revised plan showing the following: Proposed pavement work area restoration, proposed concrete pad work, plan showing that grades will be maintained, show existing/proposed spot grades (show existing and proposed grades- should be same on plan).

Motion to issue a Standard Orders of Conditions 1-50 adding the following special conditions: **51)** No Stockpiling. Live loading per narrative in NOI. All work to be done per MCP guidelines and AUL of record; **52)** Work to be done per Soil Management Plan dated 11.16.20; **53)** The UST must comply with all local state federal regs. (DPS memo); **54)** Conservation Staff must be notified in writing BEFORE work starts. Erosion controls including catch basin protection must be inspected by staff before work can commence; **55)** All 21E docs should be emailed to the commission agent as they become available to email address: lucia.delnegro@peabody-ma.gov also adding that the ORDER shall be held until all revised plans etc. have been submitted and approved by the Chairman as made by Mr. Wojcik. Seconded by Mr. Vivaldi.
(Motion passed 5-0 with Vice Chairman Comak not voting).

(Due to technical issues: Vice Chairman Comak did not participate in the vote on Item #3)

3. A Public Hearing on a Notice of Intent submitted by John Dick (Wetland Scientist) for Danielle & Kristin Kappeler (Trustees). The proposed project is the construction of numerous additions to a single-family house, driveway reconfiguration and shed relocation. The property is known as 1 Hoover Terrace, Map 24, Lot 38, Peabody MA.

Present: John Dick (Wetland Scientist) and Danielle and Kristin Kappeler (owners)

Documents:

- **SHEET #1** Existing Plot Plan- 1 Hoover Terrace prepared by Hancock Survey Associates; Inc. stamped by Joseph M Small, Scale: 1"=20' with a final revision date of 12/14/2020.
- **SHEET #2** Proposed Plot Plan- 1 Hoover Terrace prepared by Hancock Survey Associates; Inc. stamped by Joseph M Small, Scale: 1"=20' with a final revision date of 12/14/2020.
- **SHEET #3** Details Plan- 1 Hoover Terrace prepared by Hancock Survey Associates; Inc. stamped by Joseph M Small, Scale: NTS- with a final revision date of 12/14/2020.

Summary: The proposed project is the construction of numerous additions to a single-family house, driveway reconfiguration and shed relocation in the riverfront of Norris Brook. The wetland scientist gave an overview of the proposed work and discussion ensued. The plan may change slightly if the roof leaders need to change. Recharge trenches are also proposed. The current house is on a slab and they are not proposing a full basement. 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. Lazares. Seconded by Mr. Vivaldi.
(Motion passed 5-0 with Vice Chairman Comak not voting).

Motion to issue a standard Order of Conditions 1-50 adding the following special conditions: **51)** Erosion controls must be inspected BEFORE work can commence. Notice of work start date must be submitted in writing to commission staff at lucia.delnegro@peabody-ma.gov ; **52)** There shall be NO STOCKPILING in the 50-foot riverfront area as shown on plans. All stockpiles shall be placed inside the erosion controls outside the 50-foot mark and checked daily for sedimentation migration; **53)** "Roof Runoff by surface recharge trenches along the dripline (in lieu of discharge downspouts) as stated in the narrative and shown on revised plan labeled: "proposed drip-line

trench (typ.)” WILL BE IN PERPETUITY; **54)** A building permit for the exiting pool MUST be submitted to the commission as soon as practicable or BEFORE the issuance of a Partial or Full Certificate of Compliance. The owner should consider obtaining the pool permit at the same time as the permit for proposed work under this Order as made by Mr. Wojcik. Seconded by Mr. Lazares. *(Motion passed 5-0 with Vice Chairman Comak not voting).*

REQUEST FOR CERTIFICATE OF COMPLIANCE

4. A continued request for a FULL Certificate of Compliance as made by Curtis Young (Environmental Consultant/Wetland Scientist) on behalf of Group One Automotive for DEP File No. 55-832. The project is entitled Proposed Inventory Lot. The address is known as 0 Willowdale Avenue, Map 039, Lots 029 & 023, Peabody MA.

Present: Steven Cattani (Dynamic Engineering) and Jeffry Kleiner (Group 1 Auto Group)

Summary: William Paultiz (city engineer) has not signed off on the CC to date. The commission asked for someone to attend the meeting tonight to discuss the CC request and outstanding site issues.

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

**5. A continued request for a Full Certificate of Compliance as made by William Manuell (Wetlands and Land Management) for Roy Simoes (PMLP) for DEP File No. 55-840. The project was known as the PMLP Substation at Russell Street.
CONTINUED UNTIL JANUARY 20, 2021**

Item continued at a previous hearing to 1.20.21.

VIOLATIONS

6. A continued Violation at 83 Pine Street- Failure to contact Commission to inspect erosion controls has caused sediment to enter a catch basin, clog a culvert and alter a resource. Staff is working with the contractor to remedy the situation.

Present: Peter Ogren (Hayes Engineering), Elizabeth Wallis (Hayes Engineering), Chad Crick (Connolly Brothers) and Steven Connolly (Connolly Brothers)

Summary: Chairman Rizzo and Vice Chairman Comak asked staff to set up a site visit with Hayes and William Paulitz (city engineer) as soon as practicable to determine the extent of violations and any necessary remediation. **Discussion ensued.**

The item will be kept on the agenda, but no motion was made.

ENFORCEMENT ORDER

**7. 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.
CONTINUED UNTIL 2021 WHEN VEGETATION HAS GROWN IN – TBD**

OTHER

- **MINUTES- September 16, October 28 and November 18, 2020 remotely held**

Motion to approve as made by Mr. Wojcik. Seconded by Mr. Athas. Adopted unanimously.

- **Adjournment**

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

The meeting adjourned at 9:45 PM

Respectfully submitted,

To be signed electronically

Chairman Michael Rizzo

DRAFT