

Regular
& Special

June 21, 2021

Back in Wiggin



THE CITY OF PEABODY ZONING BOARD OF APPEALS MEETS TONIGHT IN ACCORDANCE WITH MASSACHUSETTS GENERAL LAWS, CHAPTER 40A AND OTHER APPLICABLE LAWS

TONIGHT'S HEARING WILL BE CONDUCTED IN THE FOLLOWING MANNER:

THE SECRETARY WILL READ THE LEGAL NOTICE OR STATE THAT SUCH NOTICE HAS BEEN WAIVED

ALL APPLICATIONS WILL BE HEARD IN THE ORDER THEY WERE RECEIVED IN THE CITY CLERK'S OFFICE OR AS OTHERWISE DESIGNATED BY THE CHAIR

THE PETITIONER OR PETITIONER'S REPRESENTATIVE WILL PRESENT THE SUBJECT APPLICATION TO THE BOARD

THE CHAIR MAY LIMIT THE LENGTH OF ALL REMARKS

ALL PARTIES IN INTEREST WILL BE GIVEN AN OPPORTUNITY TO SPEAK EITHER IN FAVOR OR IN OPPOSITION TO A PENDING APPLICATION AND THE BOARD MAY RECEIVE SIMILAR WRITTEN COMMUNICATIONS TO BE PLACED ON THE PUBLIC RECORD

THE PETITIONER WILL BE GIVEN THE OPPORTUNITY TO REFUTE ANY SUCH REMARKS

DO NOT SPEAK FROM YOUR SEAT

THE DECISION WILL BE TYPED AND FILED WITH THE CITY CLERK. ONCE THE DECISION IS FILED WITH THE CITY CLERK, THE 20-DAY APPEAL PERIOD BEGINS IN COMPLIANCE WITH THE OPEN MEETING LAW, THIS HEARING IS ALSO BEING RECORDED BY OUR CLERK

PLEASE SPEAK DIRECTLY INTO THE MICROPHONE CLEARLY AND ONLY SPEAK WHEN AT THE PODIUM TO ENSURE THAT YOU ARE ON THE RECORD

PEABODY ACCESS TELEVISION WILL BE AIRING THIS MEETING LIVE ON EITHER FACEBOOK, COMCAST 9 – RCN 15/614/1161



CITY OF PEABODY

2021 JUN -3 AM 11:37

CITY CLERK

City of Peabody Zoning Board of Appeals

City Hall • 24 Lowell Street • Peabody, Massachusetts 01960 • Tel. 978-538-5900

JUNE 21, 2021 ZBA AGENDA LEGAL NOTICE

**NOTICE IS HEREBY GIVEN THAT THERE WILL BE A REGULAR MEETING OF THE
ZONING BOARD OF APPEALS ON
MONDAY, JUNE 21, 2021, AT 7:00 PM
AT THE WIGGIN AUDITORIUM, CITY HALL, 24 LOWELL STREET, PEABODY, MA**

SPECIAL MEETING

1. Continued application of **40 Oak Street Development, LLC**, for a **Chapter 40B Comprehensive Permit Application** as it applies to the premise known as **40 Oak Street, Peabody, MA, Map 095, Lot 089X**. Petitioner seeks to construct 80 rental units. The property is located in an **R4 Zoning District**.

REGULAR MEETING

1. Continued application of **Mr. and Mrs. Rochon c/o Julia Mooradian** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **53R Lynn St., Peabody, MA, Map 102, Lot 208A**. Petitioner seeks a variance to construct an attached garage and requires relief is to **Left Side Yard Setback** where 15' is required and 3.85' is proposed. The property is located in an **R1A Zoning District**.
2. Application of **Karin Bettencourt**, for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **7 Jeffrey St, Peabody, MA, Map 083, Lot 071**. Petitioner seeks a variance to **Addition Side Yard** where 13.2' is proposed and 15' is required; **Addition Front Setback** where 18' is proposed and 20' is required; **Deck Side Yard** where 7' is proposed and 15' is required. The property is located in an **R1A Zoning District**.
3. Application of **Jennifer Doyschen c/o Attorney John Keilty** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **8 Herold Rd., Peabody, MA, Map 014, Lot 018**. Petitioner seeks a variance to construct an FALA addition and requires relief to **Rear Yard** where 35' is required and 27' is proposed; **Right Side Yard** where 20' is required and 12' is proposed. The property is located in an **R1 Zoning District**.
4. Application of **Nelson Pacheco** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **145 Russell St., Peabody, MA, Map 004, Lot 073**. Petitioner seeks a variance to construct an attached garage and requires relief to **Left Side Yard** where 20' is required and 18.5' is proposed. The property is located in an **R1 Zoning District**.

5. Application of **William and Tina Gongas** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **18 No Central St., Peabody, MA, Map 064, Lot 023**. Petitioner seeks a variance to construct an open deck and requires relief to **Right Side Yard** where 10' is required and 9' is proposed. **Left Side Yard** where 10' is required and 8' is proposed. The property is located in an **R3 Zoning District**.

2021 JUN -3 AM 11:37

CITY CLERK

BUSINESS MEETING

Acceptance of 5.3.21 Meeting Minutes

REPORTS

NEXT REGULAR MEETING JULY 19, 2021

Carla D. McGrath, Clerk

Posted: June 3, 2021



CITY OF PEABODY

2021 JUL 21 AM 10:23

June 21, 2021 REGULAR AND SPECIAL ZBA MEETING MINUTES

A meeting of the Peabody Zoning Board of Appeals was virtually held on Monday, June 21, 2021, at 7:00 p.m. Wiggin Auditorium, 24 Lowell St, Peabody, MA 01960.

MEMBERS PRESENT	MEMBERS ABSENT
Keith Slattery	
Frances Bisazza-Gallugi, Chairperson	
Stephen Zolotas, Vice-Chairperson	
Julie Picardi	
Dan Sencabaugh	
Barry Osborne	

Also in attendance...

- Will Paulitz - City Engineer**
- Curt Bellavance - Director Community Development**
- Lawrence Beals – 40B Consultant 40 Oak St.**
- Alan Cloutier – World Tech**
- Janet Bernardo – Horsley Witten**

Also in attendance for 40 Oak St...

- Michael Larkin – Principal**
- Joe Peznola – Hancock – Project Engineer**
- Scott Thorton – Vanasse - Traffic Engineer**

(Ms. Gallugi read the opening statement made part of these minutes)

SPECIAL MEETING:

1. Continued application of **40 Oak Street Development, LLC**, for a **Chapter 40B Comprehensive Permit Application** as it applies to the premise known as **40 Oak Street, Peabody, MA, Map 095, Lot 089X**. Petitioner seeks to construct 80 rental units. The property is located in an **R4 Zoning District**.

Fran Gallugi: Good evening. We are in-person tonight and very happy to be here. We have some correspondence to accept first.

Stephen Zolotas: Motion to accept the following correspondences.

6.9.21 Revised Mayor Cover Letter ✓

6.3.21 Revised Hancock Associates Compensatory Flood Plain Analysis, Revised Site Plan and Pre and Post Stormwater Comparison Report for 40 Oak St ✓

6.21.21 Will Paulitz Memo ✓

(Correspondences made part of these minutes)

Dan Sencabaugh: Second

Fran Gallugi: All in favor - Any opposed (5,0) in favor

Fran Gallugi: Attorney Smolak is not here tonight? do you want to come up to the podium and maybe explain that to me because we have something that needed to be signed by him, and I will explain that in a minute as soon as you explain to me why he isn't here.

Michael Larkin: My name is Michael Larkin. I'm a manager of 40 Oak Street Development, LLC and we're the applicant of the project and unfortunately Mr. Smolak and ourselves are not working together on this project and I'll be taking over here from now on, moving forward.

Fran Gallugi: Okay so are you Attorney Larkin?

Michael Larkin: Yes

Fran Gallugi: So, at our last meeting and I believe you zoomed in on that?

Michael Larkin: Yes.

Fran Gallugi: So, do you remember I asked Attorney Smolak to state for the record that he continued the hearing and also waived constructive approval do you?

Michael Larkin: I remember a conversation about that yes.

Fran Gallugi: And I also asked if he would put it in writing in an email to Ms. McGrath and she has emailed him every day up until about a week and a half ago and he has yet to respond in writing. So, we have something here tonight and I'm going to cross out his name and I'm going to put your name. Did you want me to put Attorney Larkin?

Michael Larkin: No. So, what we're going to do is sign an extension we're not signing anything else. So, looking at this document I'm going to cross over this last line here.

Fran Gallugi: You already waived constructive approval. For the record Attorney Smolak already spoke those words that evening.

Michael Larkin: That's what I'm telling you. I'm going to sign right here and now.

Fran Gallugi: Okay. One question. Attorney Smolak verbalized...he stated for the record with his words that he waved constructive approval and that he was in agreement of continuing and in favor of a continuance.

Michael Larkin: Yes. I favored a continuance so that's what I agreed to.

Fran Gallugi: Well, you might agree to the continuance, but you crossed out waiving of constructive approval even though your attorney agreed to it verbally.

Michael Larkin: Correct

Barry Osborne: Through the Chair. That was done after Attorney Smolak had a conversation with Mr. Larkin at the last meeting. You asked for a recess to confer with your council. The Chair gave it to you and Attorney Smolak came back and stated that you waived constructive approval.12:54

(Discussion ensued)

Fran Gallugi: So, I am going to go on the record by repeating that at our last meeting the Attorney which was under your employment stated in his own words that he waived constructive approval and that he was fine with continuing until this evening because May 31st was the deadline. So, you can cross that out but as far as I'm concerned, the attorney at the time stated he was fine with waiving constructive approval. That being said since he is not here do you have any follow-up?

Michael Larkin: I have Mr. Joe Peznola with Hancock Engineering who is going to give an update regarding the back and forth between the consultants.

Joe Peznola: Good evening Madam Chair, members of the Board. My name is Joe Peznola from Hancock Associates, Project Civil Engineer. When we last met, we were charged to meet with Mr. Paulitz and Ms. Bernardo with regards to the outstanding engineering technical issues both from his review her review and the World Tech traffic review. You are in receipt of two correspondences today from Mr. Paulitz and Ms. Bernardo which I believe verifies our belief that we have satisfied all of the outstanding technical issues. There is no further documentation or plan revisions that Mr. Paulitz or any of the peer reviewers are looking for in our belief and that furthermore they've itemized items that could be ripe for conditions as suggestions to this board in any decision that you make. So, I think it was quite a milestone for two years in that we've gotten to that point and essentially, we are here to answer any questions the board has but might from again from our standpoint we think we're done with supporting documentation and plan revisions and would look for the board to close the hearing and move into deliberations on a decision.

Fran Gallugi: So, you're not going to present that?

Joe Peznola: It's here for questions, in case a particular question and I need to point to something.

Mr. Paulitz: For the record, Will Paulitz, City Engineer Department of Public Services in the city of Peabody. I heard most of what Joe had mentioned. They had met with us and Horsley Witton and at one point with World Tech and at this point they've satisfied pretty much all the technical issues that were still outstanding. I just want to point out to the board for their consideration our memorandum was issued late today but we just

still want to point it out to the board that everyone is aware that the project's within the 100-year flood plain, so, every year there's one percent chance that the property could flood including surrounding neighborhoods and that it would be approximately 6.4 feet of water in the area of the building. We also just wanted to point out that there is not an approved wetland line at this time, but we believe based upon the line that we'd seen in the past that the project limits are about three feet maybe roughly off the wetland in one of the buildings. The rear building is roughly seven feet off the wetland line. It's just something to consider and then the only thing in respect to parking is that with the use of the 20 tandem spots they were able to achieve the ratio of 1.58. I'll leave it up to the board if you'd like me to go through the additional things in our memorandum in respect to if a decision was made on the project what we would hope would be included in that decision, but I'll leave that up to you if you'd like me to run through those.

Fran Gallugi: We'll accept this for the record. We did actually accept this already.

Will Paulitz: Through the Chair. I just want to make sure that when you accept everything into the records that you're aware that there's a separate memorandum from Horsey Witten dated June 14th, 2021, attached to this.

Mr. Beals: My name is Larry Beals. I'm with Beals Associates. My business address is two Park Plaza in Boston, Massachusetts and what I wanted to do was hit on some highlights here. I think the board needs to focus on some of the real key issues here and in doing that over the past week I've been going through the record that we have. It's quite extensive. The brown folder at my seat is the information that I've been tracking but I'd like to hit what I believe are the high points, but I'd also like to say that there are many other points that are part of the record that the board needs to give consideration to. But please keep these items in mind. The first item is from the from Mayor Bettencourt and he originally sent a letter a while back and then reiterated that letter. I think his conclusion in that letter is worth repeating. This has been a long process and it's hard to keep all the information straight. So, I guess I'll just punctuate what I think of some of the more poignant comments and his conclusion is that the city of Peabody and this was a letter to the State about the project that the city of Peabody contends at the developers submission of the site approval application to Mass Housing to develop the parcel as an 80 unit rental development under 40b was not done in the spirit of the law and he goes on to say as with previous submissions flooding and public safety are the main concerns with this site. The City of Peabody as expressed by the parties that have reviewed the application and voiced their concerns in the documents attached are troubled by the proposed development of this project first and foremost are issues related to public safety from increased traffic and the lack of accessibility to the site by the fire department in the event of a flood. So, as the board deliberates you need to consider the pros and cons of this project. What about the project makes it in your mind something that should be approved and in contrary? What about the project that makes it something that you're concerned about? Will went through his letter. It was quite comprehensive. I think it's about 18 pages. It's part of the record. Had he not focused on it I was going to focus on the bottom of page two in which he highlights... the board should be aware of the following items...and I'll just reiterate what he said because I think it's important...the site is located within FEMA one percent annual chance flood plain one 100-year floodplain which is designated at elevation 27... What that means is he explains every year there's a one percent chance that the main building could be surrounded with up to 6.4 feet of flood water. So, for perspective I'm about six foot one, the water would be about here. So, if I were to walk across that site or a hundred-year storm event I'd be underwater and that poses a certain number of problems for public safety and when he goes through a very comprehensive review of it and as an overview it seems like they've solved a lot of the engineering issues and it's been peer reviewed. Will has reviewed it and there isn't anything outlined in this

that has to have attention prior to you closing a hearing. There are things that you can condition if you're so inclined to do that and Horsley Witten has a very comprehensive review and then it all boils down to item 12 in which they've properly proposed potential conditions of approval for the ZBA to consider. So, these are things that you should consider and I'm going somewhat in order of importance at least in my view these issues are getting more serious, so we turn to the Fire Chief because this involves public safety, and the Fire Chief sent an email on Friday May 21st in which he states I echo Chief Pasdon's December 23rd, 2016. So, evidently the prior Chief weighed in on this project in 2016 and he had remarks regarding the fire exposure hazard inadequate water supply access flooding hazard and the added burden to our public safety response and I read that memo to say the current Fire Chief is supporting those comments. He's not providing a contrary opinion but I think he's taking the time to remind the board that you have that memo and at the time the Chief stated that as Fire Chief and Director of Emergency Management for the City of Peabody I am in strong opposition of the proposed project known as the Residence O'Shea field located at 40 Oak Street in Peabody and some of the key points that he highlights I'll give the abridged version is significant hazard for fire protection because of the close proximity to one another known in fire service as an exposure hazard...so, he's saying that there are many dwellings in that area existing dwellings in close proximity and it makes it difficult to fight a fire and it makes it much more risky if a fire starts it compromises the safety of those adjacent dwellings. He also goes on to talk about the existing neighborhood. Construction is in an area comprised of mostly wood framed older balloon construction containing one to four-story dwellings that do not meet current fire code standards equipped with modern sprinklers or fire alarm systems. As a result, any additional construction further exposing these units could be devastating to the entire area. His third point is the area is also prone to significant flooding due to the heavy rainfall and I think his concern as he articulates in the letter is access and the difficulty of fighting a fire during a major storm event. Then he concludes with a fourth point that the project will only increase the motor vehicles in the area and increased by at least several hundred residents needing evacuation sheltering food and water. Such an operation is tremendous burden on public safety and places a hefty price tag on our taxpayers. Further such flooding in the area will reduce our access to the complex and our ability to safely evacuate the residences if necessary. So, I took some time to go through those four points because that is public safety and I think it's important. There was a letter also by the Peabody Police Department, Chief Thomas Griffin, also reviewed the project with Captain Scott Richards who is special services and he raises issues about traffic. Traffic's been peer-reviewed. I think the traffic issues have been addressed, but he goes on to say Oak Street is a fairly narrow one-way street. The increased traffic pulling in and out of the proposed site represents a risk for an increase of car crashes, in particular at egress locations. This increased risk for car crashes would be most prevalent in the evening hours during the winter months and then he has some other comments. He's concerned about snow removal. His most critical comment if you have that memo is item number five. The proposed site plan is in an established flood zone and even though the building will essentially be elevated above the flood plain the parking lot and access to the elevators will still be at or below the floodplain. This is a great concern if the parking lot floods and at some point it is likely to happen. Emergency vehicles will be unable to access to the site and first responders will have limited access to the building having leaving hundreds of residents at risk and I know through these discussions there was a draft evacuation plan that was presented by the applicant. It was discussed briefly at the last meeting and I think as you deliberate on your decision you have to pay attention to that draft flood response plan and determine if it's adequate in the board's view to protect public safety and to protect the residents of those buildings and to refresh your memory it's a draft flood response plan that's based on the prediction of weather. So, if there's a forecast for two to four inches of rain that would be called nuisance flooding and the property management will notify the residents for a storm event which will most likely result

in only nuisance flooding. The next level based on the weather forecasting is property management is moderate flooding. Property management will notify residents by a system of emails and text messages that a pending storm event may lead to moderate flooding. We have conservatively defined the storm event as three inches of rain and it goes on to say that since parking lot flooding for a moderate flooding event is 4 to 12 inches, it is not anticipated that vehicle damage will result and therefore the messaging from the property management will include voluntary relocation of vehicles from the site. We are suggesting the vehicles are moved to the North Shore Mall located approximately two miles north of the site, but residents are free to find a place to relocate their vehicles. So, I think you need to assess that as to whether or not that provides adequate protection in whether or not the weather forecasting is fail safe enough to make these sorts of predictions to protect public safety and then with the major flooding these flooding events occur when storms exceed three inches of rain in a 24 hour period and this flood management plan emergency response plan states that the statistical probability of such a storm event occurring every once every two years or longer. So, if you think about that statement this is major flooding that may happen every couple of years, and it goes on to say that today's meteorological prediction techniques allow sufficient time to plan for such pending events. It doesn't address what you do if somebody's on vacation or out of town or how you provide notification for them particularly with regard to vehicles and again it's to move vehicles to the North Shore Mall and it states that the Peabody Fire Department has an emergency evacuation plan should there be a medical emergency or fire during such flooding event so you contrast that to the memo from the Fire Chief that says I'm not sure we're properly equipped for that or that's gonna overburden their current systems. So, that's the conclusion. I went from what I viewed as primarily issues that have been resolved to issues perhaps that haven't been resolved.

Fran Gallugi: Any other questions by the Board? As we heard we have been listening to peer reviews, questions, answers, and information since August 5, 2019. If there are no other comments or questions by the board or anyone in the audience I would like a motion to close the public hearing.

Dan Sencabaugh: Motion to close the public hearing

Stephen Zolotas: Second

Fran Gallugi: Roll call vote (5,0) Motion to close is approved. We now need to set a date and that date is within 40 days to render a decision and vote on that. We are going to meet again on July 26th at 7 p.m to render the decision.

REGULAR MEETING:

1. Continued application of **Mr. and Mrs. Rochon c/o Julia Mooradian** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **53R Lynn St., Peabody, MA, Map 102, Lot 208A**. Petitioner seeks a variance to construct an attached garage and requires relief is to **Left Side Yard Setback** where 15' is required and 3.85' is proposed. The property is located in an **R1A Zoning District**.

Ms. Mooradian: Julia Mooradian with Zieger Architects Salem, Mass and my clients are here as well. So, what we're looking for is dimensional relief on the side setback for a garage addition as we went over last time. The one issue that seemed to come up in the last meeting was the size of the garage addition. So, to mitigate that we took a chunk out of the property side of the garage. So, now from that property side you will see that it looks now more like a regular kind of garage from that elevation and we also brought the ridge down to match

the ridge of the existing house. It also brought down the lot coverage a little bit and the square feet obviously and the dimensions of the garage.

Carla McGrath: ZBA Clerk. The original proposal was 1271 sf and now it's 1060 sf. They reduced it by 162 sf.

Fran Gallugi: Your first plot plan did not show a pool but the second one did. What is the setback from the pool top what is proposed?

Julia Mooradian: Eight feet it says it's right there it's

Fran Gallugi: Okay. So, this structure is still quite large. I just have a couple of questions. The last time you were here you told us it was going to hold a boat and some other toys. I don't think that you scaled it down enough for my liking. You're still asking for quite a bit of relief and I would like to hear from other members of the board if you have questions or comments.

Stephen Zolotas: Through the Chair. I'll just say that I tend to agree that well we appreciate the reduction of the extra 162 square feet coming out of it I still think it is quite large and I fear that it sets a dangerous precedent for a thousand square foot garage and I understand that it's serving a double purpose there's a garage plus a shed kind of combined together but I fear we're setting very dangerous precedent with garages...something's being labeled as a garage being more than a thousand square feet.

Julia Mooradian: The rear portion closest to the pool would be able to build without any zoning requirements. It's just we have to get the two-car garage in there anyway. So, this setback requirement to get the two cars in we can't reduce that such as two cars

Fran Gallugi: It's not just two cars. It's two cars and a boat and everything else.

Julia Mooradian: So, it's not anymore. It's not a two-car garage anymore. You can't put that boat directly in there...

Fran Gallugi: But it's still larger than a two-car garage right?

Julia Mooradian: Yes, but the side that we're asking for is now the size of a two-car garage 30 x 20

Dan Sencabaugh: Through the chair. Just to kind of give you a sneak preview of where we're going to come down on this thing I'm also inclined to think that this is just too much of an ask. You certainly have hardship in the shape of the lot and I have no problem with a ordinary 22 x 23 or 24 maybe even 26 deep garage, but I just think that this structure is too big and I'd have a hard time voting in favor of it as proposed.

Barry Osborne: Through the Chair. I would tend to agree. It's hard to justify a garage structure of that size so it's as big as the house. It unfortunately just doesn't fit in the character of the of the neighborhood a structure

Fran Gallugi: Do we have anyone in the audience to speak? Hearing none the matter is before the Board.

Stephen Zolotas: Well before we do that Fran do we want to afford a chance to further reduce substantially in order to avoid any kind of issue in the future? Something like 24 x 24.

Julia Mooradian: Yes. So, we would like to be able to try again and continue.

Stephen Zolotas: I think you kind of heard from all of us that something more in kind and we understand the difficulty here with the lot shape. Something more like 24 x 24 at least me personally would be more inclined to be agreeable to it.

Dan Sencabaugh: Through the Chair. Just to add to that thought, I don't know that we want it much closer to the lot line you're already only 3.85 feet from the lot line.

Stephen Zolotas: Motion to accept continuance request

Julie Picardi: Second

Fran Gallugi: All in favor. Any opposed. (5,0) Continued to July 19, 2021

Julia Mooradian: When do they have to get a revised plan to the Board?

Fran Gallugi: Two weeks before the meeting.

2. Application of **Karin Bettencourt**, for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **7 Jeffrey St, Peabody, MA, Map 083, Lot 071**. Petitioner seeks a variance to **Addition Side Yard** where 13.2' is proposed and 15' is required; **Addition Front Setback** where 18' is proposed and 20' is required; **Deck Side Yard** where 7' is proposed and 15' is required. The property is located in an **R1A Zoning District**.
(Secretary Read Legal Ad)

Karen Bettencourt: Homeowner 7 Jeffery Street. I am here for dimension relief for a deck porch and a side addition.

Fran Gallugi: Did you go to any of your neighbors?

Karen Bettencourt: I did speak to my neighbors. I spoke to the ones directly on either side of my house neither of them had any problem with it. They were in support of it.

Dan Sencabaugh: Just to state for the record where it's a corner lot...there's really no place for these additions that are being proposed so I don't have a problem with this one.

Fran Gallugi: Questions or comments by the board? Anyone in the audience to speak in opposition? In favor? Hearing none the matter is before the Board.

Stephen Zolotas: Motion to close the Public Hearing

Barry Osborne: Second

Stephen Zolotas: Motion to approve

Barry Osborne: Second

Fran Gallugi: All in favor. Any opposed. (5,0) Variance Approved

3. Application of **Jennifer Doyschen c/o Attorney John Keilty** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **8 Herold Rd., Peabody, MA, Map 014, Lot 018**. Petitioner seeks a variance to construct an FALA addition and requires relief to **Rear Yard** where 35' is required and 27' is proposed; **Right Side Yard** where 20' is required and 12' is proposed. The property is located in an **R1 Zoning District**.
(Secretary Read Legal Ad)

Attorney Keilty: I'm an attorney for the homeowner. She is hoping to build an addition that will qualify as a FALA at 700sf of living space. We were seeking rear yard of 27 feet rather than 35 and our side yard is 12 feet and that is rather than 20 feet. We are adding an addition over an area that has hit a forbidden driveway. The addition will be 55 feet from front to back and of varying widths. When we initially applied for this variance Commissioner Talarico took issue with the building plan and that has been revised. It results in the same variances however the area at the rear that showed initially as heading out 16 total feet is now 15.11. That makes the difference of some two feet when carried into the living space and so now we're this particular design is in full compliance with the requirements, and we are hopeful that the board will see fit to grant this variance.

Fran Gallugi: So, you answered my question. I was going to ask you if you were in compliance with all the FALA regulations and you are.

Dan Sencabaugh: Is the roof line of this addition going to match the existing roof line of the current structure? So, we're not building any higher than the existing home correct?

Attorney Keilty: Yes

Dan Sencabaugh: And there's no variance required for lot coverage?

Attorney Keilty: That's correct. That was reviewed in fact that was a question Commissioner had and that was calculated by Eastern Land Survey and no we did not require that.

Fran Gallugi: Any questions or comments by the Board? Anyone to speak in favor? In opposition? Hearing none the matter is before the Board.

Stephen Zolotas: Motion to close the Public Hearing

Julie Picardi: Second

Stephen Zolotas: Motion to approve

Julie Picardi: Second

Fran Gallugi: All in favor. Any opposed. (5,0) Variance granted

4. Application of **Nelson Pacheco** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **145 Russell St., Peabody, MA, Map 004, Lot 073**. Petitioner seeks a variance to construct an attached garage and requires relief to **Left Side Yard** where 20' is required and 18.5' is proposed. The property is located in an **R1 Zoning District**
(Secretary read Legal Ad)

Stephen Zolotas: Before we start, I am not conflicted out of this by about three feet. My uncle owns a property that's about 305 feet away. I can remain unbiased. If you don't want me to sit on this I will remove myself but I'll leave it up to you.

Mr. Pacheco: Good evening. I'm Nelson Pacheco, 145 Russell Street and Riley Fadden also at 145 Russell Street. So, I think as you already summarized our proposal is for essentially an 18-inch variance on the side lot. We have spoken with our neighbor who does not oppose. That's the bulk of our request and I'll keep it short for the sake of time. So, we purchased the house like a year and a half ago. The existing structure was prior to us. Our house is all the way down towards like Boston Street. We are building a garage with an attached mudroom.

Dan Sencabaugh: Through the chair. This doesn't seem like much of an ask but we had a garage earlier that looked too big and it just seemed if this was 26 and a half feet wide they wouldn't even need a variance and that would be plenty of parking. I think most garages are 24 by 24 or 22 by 24. So, I'm curious as to why the garage is the size that it is. Like I said if you just brought it in 18 inches you wouldn't need a variance at all. So, how important is the 18 inches to you?

Mr. Pacheco: I guess it's more of not dealing with the surveyor because he was a complete (expletive). So, at that point I was like you know what I'll just go for the variance. I just didn't even want to deal with him.

Riley Fadden: He's a car enthusiast and constantly in the garage tinkering. So as not to open doors and hit posts...

Dan Sencabaugh: I mean honestly at 26 and a half feet you're not gonna I mean unless you're parking a couple of boats in there like you should be okay. I appreciate the transparency but like you kind of made my case. I don't think you need a variance for what you're looking to do. There's plenty of room on that side of your house to put a big garage...I think we're kind of setting a bad precedent and we just did it like 30 minutes ago so it's fresh. So, I'm sorry. I don't necessarily want to deny it. I almost prefer you to withdraw it because I don't think it's needed. That's my opinion.

Riley Fadden: I would also say the person directly across the street from us has essentially the same...

Fran Gallugi: That doesn't matter, and I have to agree with Dan. I think you're better off withdrawing and just making this smaller and not getting a variance at all. We do have to be consistent.

Mr. Pacheco: I guess I'll just have to withdraw.

Dan Sencabaugh: Motion to accept withdrawal without prejudice.

Julie Picardi: Second

Fran Gallugi: All in Favor. Any opposed. (5,0) withdrawal without prejudice approved

5. Application of **William and Tina Gongas** for a **Variance from the Provision of the Zoning Ordinance 2019, as amended, Section 7.2**, as it applies to the premise known as **18 No Central St., Peabody, MA, Map 064, Lot 023**. Petitioner seeks a variance to construct an open deck and requires relief to **Right Side Yard** where 10' is required and 9' is proposed; **Left Side Yard** where 10' is required and 8' is proposed. The property is located in an **R3 Zoning District**.
(Secretary read Legal Ad)

Tina Gongis: 18 North Central Street

William Gongis: 18 North Central Street62:01

Tina Gongis: The proposed project is a 16 by 30 deck off the existing rear door of the home. Due to the angle of the house we're slightly short two feet at the start and a foot from the ending corner.

Fran Gallugi: I see it's an oddly...well it's very narrow and you're not really asking for much and you do have you do have legitimate reasons here. Questions or comments by the Board?

Dan Sencabaugh: It's extremely narrow shaped lot and it's a small ask.

Fran Gallugi: Anybody in the audience to speak in favor? In opposition? Hearing none the matter is before the Board.

Dan Sencabaugh: Motion to close the Public hearing

Julie Picardi: Second

Dan Sencabaugh: Motion to approve

Julie Picardi: Second

Fran Gallugi: All in favor. Any opposed. (5,0) Variance granted

Dan Sencabaugh: Motion to accept May 10, 2021 meeting minutes

Stephen Zolotas: Second

Fran Gallugi: All in favor. Any opposed. (5,0) Minutes accepted

Next meeting is July 19, 2021 at 7:30pm

Meeting adjourned.

CITY OF PEABODY

24 LOWELL STREET
PEABODY, MASSACHUSETTS 01960



CITY OF PEABODY
P. 978-538-5700
2021 JUN 10 AM 11:26 978-538-5980
CITY CLERK

OFFICE OF THE MAYOR EDWARD A. BETTENCOURT, JR.

June 9, 2021

Frances Gallugi, Chair
c/o Carla McGrath, Clerk
Zoning Board of Appeals
24 Lowell Street
Peabody, MA 01960

RE: Comprehensive Permit Application (G.L. c. 40B)
40 Oak Street Development, LLC
40 Oak Street, Peabody, MA Map 015, Lot 089

Dear Madam Chair and Honorable Members:

Attached, please find my letter to the ZBA of July 19, 2019, which includes my December 21, 2016 correspondence to MassHousing. This submittal is to confirm receipt of these documents as well as their admission as documentary evidence.

Let me also take this opportunity to recognize your outstanding efforts relative to this comprehensive permit application. This has been a particularly long and complex process and your thorough oversight has served our community extremely well. Thank you for your ongoing commitment to the City of Peabody.

Warmest regards,

Edward A. Bettencourt, Jr.
Mayor, City of Peabody

TB/cr

2021 JUN 15 PM 2:55

HANCOCK
ASSOCIATES

MEMORANDUM

HA JOB: #20312
DATE: March 11, 2021
REVISED: June 3, 2021
SUBJECT: Compensatory Flood Plain Analysis –
The Residences at O’Shea Field, 40 Oak Street, Peabody, MA 01960

PLAN REFERENCE: “Compensatory Flood Plain Analysis – Existing Conditions – EX1” and “Compensatory Flood Plain Analysis – Proposed Conditions – EX2 Site Development Permit Plan – The Residences at O’Shea Field – 40 Oak Street – Peabody Massachusetts” dated March 28, 2021. HydroCAD Analysis dated June 3, 2021.

PREPARED BY: Robert A. Chrusciel, PE

Refer to comments made by the following parties in response to the project Applicant’s submittal to the Peabody Zoning Board of Appeals.

William Paulitz, PE, City Engineer, Department of Public Services: “The applicant will need to submit calculations showing that there is no loss to the 1% Annual Chance Flood Plain as a result of this project. (Memo to ZBA dated September 8, 2020, Page 5, Item 5); and,

Janet Carter Bernardo, PE, Horsley Witten Group: “The Applicant has indicated that the entire site is located within the 100-year flood plain. HW recommends that the Applicant provide compensatory storage calculations to ensure that the proposed development does not negatively impact the existing flood plain. The calculations should clearly indicate the storage of flood water beneath the buildings. HW further recommends that elevations of the buildings be provided to verify that flood waters can flow under the buildings without any restrictions.” (Letter to City Engineer dated August 31, 2020, Page 6, Item 11b).

In response to these comments, this analysis of flood plain impacts was prepared.

Definition of Flood Zone

Refer to the FEMA Flood Mapping FIRM 25009 CO418G (Effective July 16, 2014) which delineates the locus of work as part of Flood Zone District AE, Elevation 27 (NAVD 1988 Datum). The extent of the Flood Zone is shown on Figure 1.

The proposed project will result in a beneficial increase in flood storage onsite from the elevation 21 through 27 flood stages. The HydroCAD analysis of the existing condition indicates that the site would surcharge with stormwater to elevation 21.35 before 100-year flood occurs. Therefore, compensatory flood storage will begin at elevation 21.35 because the site would already be inundated with stormwater below that elevation. Under the proposed condition, the stormwater

surcharging will reach elevation 21.63. Accordingly, flood storage compensation will begin at elevation 21.63 under the proposed condition.

It is important to note that the 100-year flood event and the 100-year storm event are separate occurrences. The 100-year flood event will inundate the project site in approximately 7ft of water in the lowest areas, while the 100-year storm event is modeled to surcharge those same areas in approximately 1.5 feet of stormwater. However, during a 100-year flood event, a large storm event is likely to occur at the same time.

Under existing conditions, the peak elevation of stormwater onsite is 21.35 feet in the 100-year storm event. The storm flooding is caused by two factors: a city drain line that crosses through the site which contributes more stormwater runoff than what the onsite system can accept; and the downstream drain line in Oak Street is laid relatively flat, undersized, and has low cover. Therefore, we can assume the site would be surcharged with stormwater to elevation 21.35 well before the 100-year flood event. This stormwater is occupying the 20 to 21 elevation volume that could have been occupied by floodwater, thereby displacing the floodwater to a higher elevation.

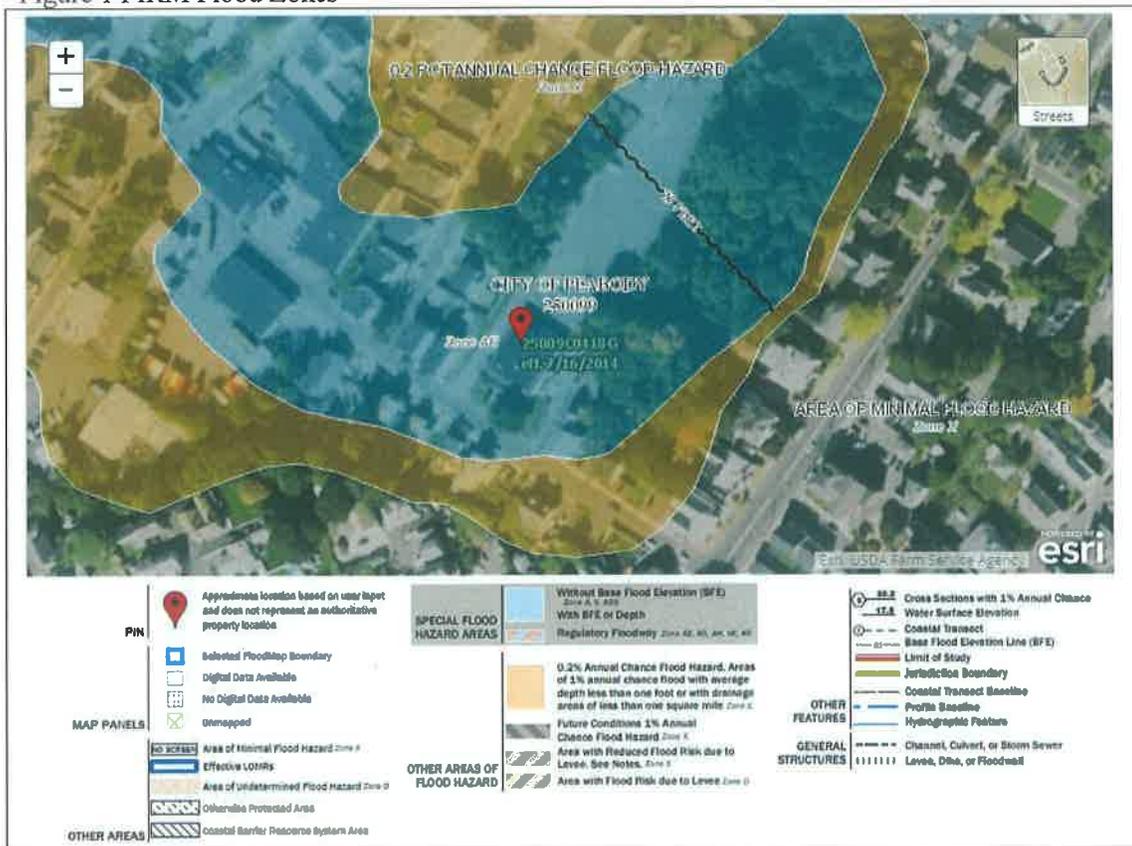
Under proposed conditions, 56 Stormtrap chambers will be installed to approximate the existing onsite surcharge that would occur in large storm events. While these chambers are subsurface, the intent these chambers provide stormwater detention that would approximate the surcharged stormwater onsite.

The proposed project will include a beneficial decrease in impervious area and provide stormwater mitigation measures such as the previously mention Stormtrap system, Stormtech subsurface recharge system, and a blue roof.

Provided these circumstances, the following are our conclusions:

1. The site will be surcharged with stormwater to elevation 21.35 and 21.63 under existing and proposed conditions respectively. Therefore the site cannot accept floodwater below those elevations.
2. The project will result in an increase in flood compensation at the 21-22 flood stage range and above. Fulfilling the flood storage compensation requirements for the site.

Figure 1 FIRM Flood Zones



Existing Conditions

Existing condition surface elevations are taken from a plan titled, “Site Development Permit Plan – The Residences at O’Shea Field – 40 Oak Street – Peabody, Massachusetts – Existing Conditions Plan, Sheet 2 of 7” dated December 5, 2013 and prepared by Eastern Land Survey Associates, Inc. This plan describes the property as occupied by one small building and large parking lot serving same. Virtually the entire site would be under water in the 100-year flood event at elevation 27 flood level.

These contours have been reproduced on the attached EX1 plan. The areas of each contour and incremental volume between contours are listed in tabular form on the EX1 plan and in Table 1 below.

Table 1 – Existing Conditions Flood Storage Volumes

ELEVATION	SURFACE AREA AT ELEVATION (SF)	A1 + A2	$[(A1+A2)/2]*L$ (CF)
21.35	13,280		
		35,397	11,504
22	22,117		
		63,579	31,790
23	41,462		
		97,601	48,801
24	56,139		
		119,400	59,700
25	63,261		
		127,855	63,928
26	64,594		
		129,885	64,943
27	65,291		

TOTAL FLOOD STORAGE = 280,664

Proposed Conditions

Proposed condition surface elevations are taken from a plan titled, “Grading and Utility Plan – The Residences at O’Shea Filed, Sheet 4 of 8,” Revised June 3, 2021 and prepared by Hancock Survey Associates, Inc. This plan describes the property as occupied by one apartment building and two townhouse buildings with associated drives, parking, lawn, and landscaped areas. All three proposed buildings are on stilts to minimize impact to the floodplain and onsite parking is provided beneath the proposed buildings. There will be no decrease in flood storage under the proposed project on a per-foot basis or overall volume.

These contours have been reproduced on the attached EX2 plan. The areas of each contour and incremental volume between contours are listed in tabular form on the EX2 plan and in Table 2 below.

Table 2 – Proposed Conditions Flood Storage Volumes

ELEVATION	SURFACE AREA AT ELEVATION (SF)	A1 + A2	[(A1+A2)/2]*L (CF)	TOTAL VOLUME BETWEEN 21.63 AND 22.0
21.63	18,696			
		51,368	3,082	
21.75	32,672			11,539
		67,653	8,457	
22	34,981			
		89,103	44,552	
23	54,122			
		116,878	58,439	
24	62,756			
		127,984	63,992	
25	65,228			
		131,073	65,537	
26	65,845			
		132,227	66,114	
27	66,382			

TOTAL FLOOD STORAGE = 307,089

Table 3 – Existing and Proposed Flood Storage Comparison

ELEVATION RANGE	STORAGE	
	EXISTING (CF)	PROPOSED (CF)
21- 22	11,504	11,539
22- 23	31,790	44,552
23- 24	48,801	58,439
24- 25	59,700	63,992
25- 26	63,928	65,537
26- 27	64,943	66,114
TOTAL	280,664	310,171

FLOOD STORAGE ANALYSIS

40 Oak Street
Peabody, Massachusetts 01960

MAP BLOCK LOT
95 89

Michael Larkin

29 Hospital Road
Medford, Massachusetts 02052

HANCOCK ASSOCIATES

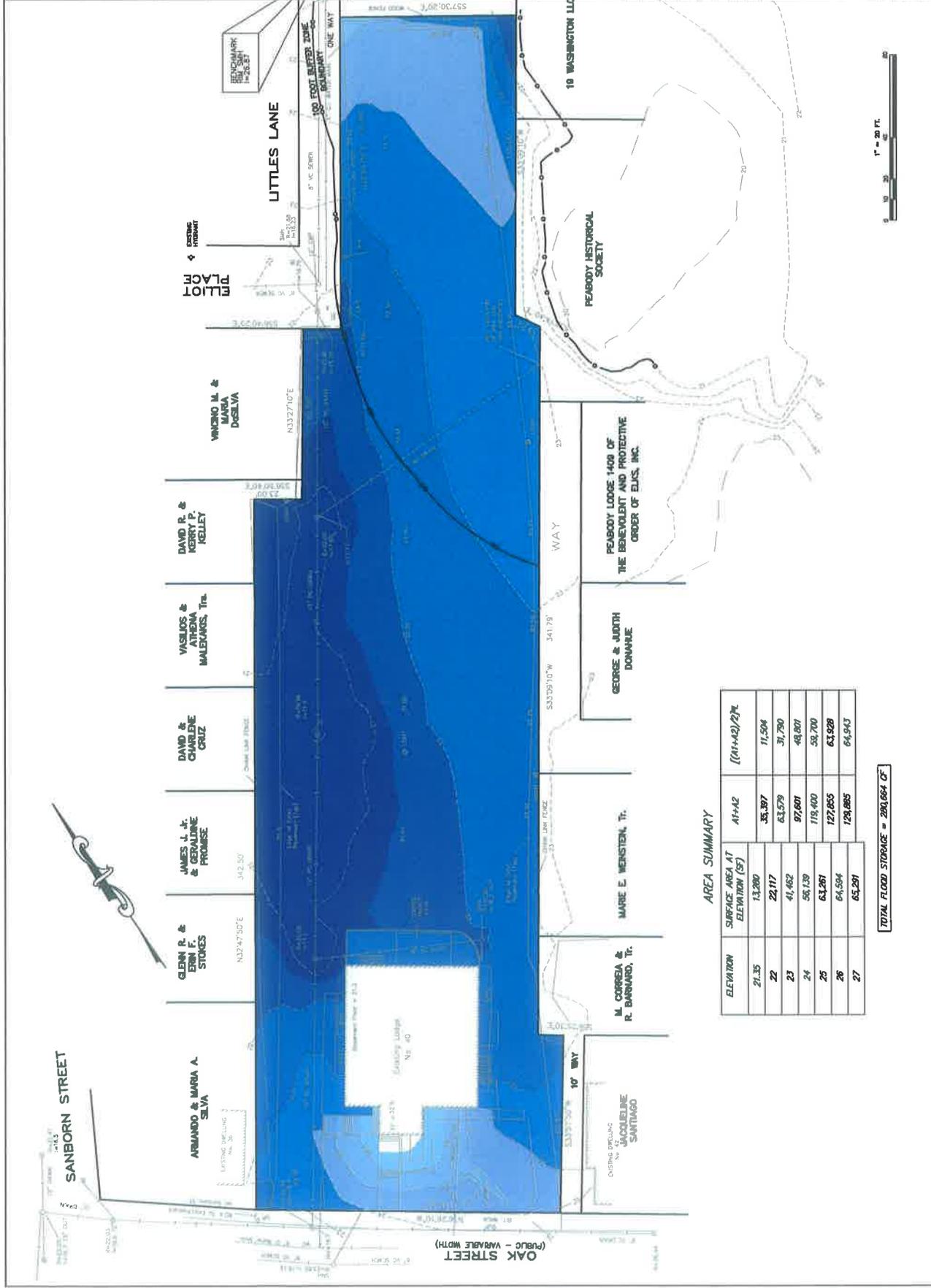
Civil Engineers
Land Surveyors
Wetland Scientists

100 Centre Street, HANCOCK, MA 02043
VOICE: (978) 777-5000 FAX: (978) 774-7884
WWW.HANCOCKASSOCIATES.COM

COMPENSATORY FLOOD STORAGE ANALYSIS - EXISTING CONDITIONS

LAYOUT SHEET 1 OF 2

PROJECT NO.: 200312



AREA SUMMARY

ELEVATION	SURFACE AREA AT ELEVATION (SF)	A1+A2	(A1+A2)/2%
27.35	13,280	35,397	11,504
27	22,117	63,579	31,790
26	41,462	97,607	48,807
25	55,139	175,400	87,700
24	63,267	127,655	63,828
23	64,594	129,685	64,843
22	65,291		

TOTAL FLOOD STORAGE = 280,664 CF

FLOOD STORAGE ANALYSIS

40 Oak Street
Peabody, Massachusetts 01960

ASSESSORS

MAP BLOCK LOT
55 - 80

PREPARED FOR

Michael Larkin

29 Hospital Road
Medford, Massachusetts 02152

HANCOCK ASSOCIATES

Civil Engineers
Land Surveyors
Wetland Scientists

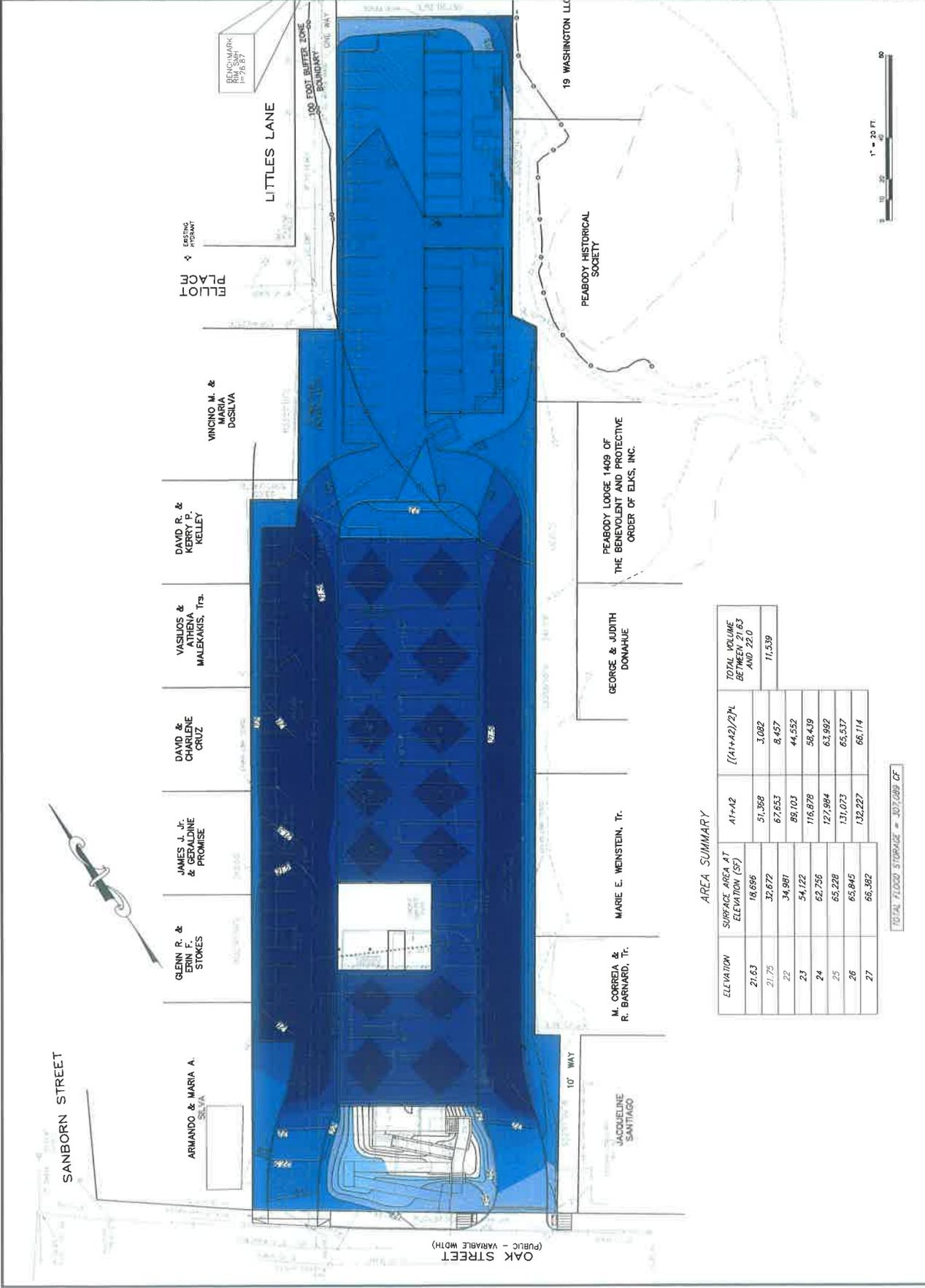
100 STATE STREET DANVERS, MA 01923
VOICE (978) 777-2000, FAX (978) 771-7816
WWW.HANCOCKASSOCIATES.COM

COMPENSATORY FLOOD STORAGE ANALYSIS - PROPOSED CONDITIONS

DATE: 08/11/2011
DRAWN BY: J. D. 1
CHECKED BY: J. D. 1
SCALE: AS SHOWN

EX-2

PROJECT NO. 20312



AREA SUMMARY

ELEVATION	SURFACE AREA AT ELEVATION (SQ)	A1+A2	[(A1+A2)/2]xH	TOTAL VOLUME BETWEEN 21.63 AND 22.0
21.63	18,696	51,368	3,082	11,539
21.75	32,672	67,653	8,457	
22	34,991	88,103	44,552	
23	54,122	116,878	56,439	
24	62,756	127,894	63,992	
25	65,228	131,073	65,537	
26	65,845	132,227	66,114	
27	66,382			

TOTAL FLOOD STORAGE = 307,099 CF

OAK STREET (Public - VARIABLE WIDTH)

PRE & POST STORMWATER COMPARISON REPORT

PEAK RATE RUNOFF SUMMARY TABLE

Storm Event	Watershed	Existing Peak Rate	Proposed Peak Rate	% Change
		cfs	cfs	
100-yr	DP1	9.42	8.19	-13.1%
	DP2	18.42	18.42	-
25-yr	DP1	8.86	7.03	-20.7%
	DP2	10.49	10.49	-
10-yr	DP1	8.46	4.03	-52.4%
	DP2	6.77	6.77	-
2-yr	DP1	4.80	1.22	-74.6%
	DP2	1.65	1.65	-

VOLUME OF RUNOFF SUMMARY TABLE

Storm Event	Watershed	Existing Volume	Proposed Volume	% Change
		cf	cf	
100-yr	DP1	74,050	60,660	-18.1%
	DP2	58,480	58,480	-
25-yr	DP1	48,760	37,460	-23.2%
	DP2	34,910	34,910	-
10-yr	DP1	36,460	26,710	-26.7%
	DP2	23,910	23,910	-
2-yr	DP1	18,121	11,200	-38.2%
	DP2	8,700	8,700	-



CITY ENGINEER
MUNICIPAL GARAGE
SOLID WASTE

CITY OF PEABODY
City of Peabody
DEPARTMENT OF PUBLIC SERVICES
50 FARM AVENUE
PEABODY, MASSACHUSETTS 01960-3902

2021 JUN 21 PM 12:52
CITY CLERK

TELEPHONE (978) 536-0600 • FAX (978) 535-3754

WATER SUPPLY
SANITARY SEWERS
STREETS & DRAINAGE

MEMO TO: Peabody Zoning Board of Appeals
FROM: William Paulitz, P.E., City Engineer *William Paulitz 6/21/21*
SUBJECT: 40 Oak Street
DATE: June 21, 2021

cc: Robert LaBossiere, Director (via email)
Curt Bellavance, Community Development Director (via email)
Councilor Peter McGinn, Ward Councilor (via email)
Lucia DelNegro, Peabody Conservation Agent (via email)
Alan Cloutier, P.E., PTOE, Director of Transportation, WorldTECH Engineering (via email)
Janet Bernardo, P.E., Horsley Witten Group (via email)
Lawrence Beals, Beals Associates, Inc. (via email)
Joseph Peznola, P.E., Hancock Associates (via email)
Davide White, P.E., H.W. Moore Associates (via email)
Scott Thornton, P.E., Senior Associate, Vanasse & Associates, Inc. (via email)
John Smolak, Esquire, Smolak & Vaughan LLP (via email)
Michael Larkin (via email)

The Department of Public Services is in receipt of the following documents for 40 Oak Street:

- 1) Chapter 40B Comprehensive Permit Application for 40 Oak Street dated May 22, 2019
- 2) Eastern Land Survey Associates, Inc. Site Development Permit Plan dated June 13, 2016
- 3) The MZO Group Architectural Plans dated August 10, 2016
- 4) Vanasse & Associates, Inc. Transportation Impact Assessment dated July 2018
- 5) Hancock Associates, Inc. Permit Site Plan dated March 3, 2020
- 6) Hancock Associates, Inc. Permit Site Plan, Sheets 1, 5, 6 and 7 dated February 8, 2020, Sheets 3 and 4 dated February 8, 2021 (Sheet 2 was not provided)
- 7) Hancock Associates, Inc. Permit Site Plan dated March 3, 2020 revised through April 6, 2021, Sheet 2 Eastern Land Survey Associates dated December 5, 2013
- 8) Hancock Associates, Inc. Permit Site Plan dated March 3, 2020 revised through May 10, 2021, Sheet 2 Eastern Land Survey Associates dated June 13, 2016
- 9) Hancock Associates, Inc. Permit Site Plan dated March 3, 2020 revised through May 28, 2021 Sheet 2 Eastern Land Survey Associates dated June 13, 2016
- 10) Hancock Associates, Inc. Stormwater Report dated March 2020
- 11) Hancock Associates, Inc. Stormwater Report dated February 2021

- 12) Hancock Associates, Inc. Stormwater Report dated March 2020, revised April 2021
- 13) Hancock Associates, Inc. Stormwater Report dated March 2020, revised May 2021
- 14) Rinker Materials Stormceptor Massachusetts Water Quality Flow Rates
- 15) Hancock Associates, Inc. HydroCAD Pre-Conditions Report printed May 26, 2021
- 16) Hancock Associates, Inc. HydroCAD Post-Conditions Report printed May 27, 2021
- 17) Hancock Associates, Inc. HydroCAD Pre-Conditions Report printed June 3, 2021
- 18) Hancock Associates, Inc. HydroCAD Post-Conditions Report printed June 3, 2021
- 19) Hancock Associated, Inc. Pre & Post Stormwater Summary Table dated June 15, 2021
- 20) Hancock Associates Compensatory Flood Plain Analysis Memorandum dated March 11, 2021
- 21) Hancock Associates Compensatory Flood Plain Analysis Memorandum dated March 11, 2021, revised May 10, 2021
- 22) Hancock Associates Compensatory Flood Plain Analysis Memorandum dated March 11, 2021, revised June 3, 2021
- 23) Applicant's Draft Flood Response Plan dated May 2021
- 24) Applicant's Draft Snow and Snowmelt Management Plan dated May 2021
- 25) Hancock Associates Letter to Zoning Board of Appeals dated March 10, 2021
- 26) Hancock Associates Letter to Department of Public Services dated April 6, 2021
- 27) Hancock Associates Letter to Department of Public Services dated April 6, 2021, revised May 10, 2021
- 28) Horsley Whitten Group *Stormwater/Environmental Peer Review* dated August 31, 2020
- 29) Horsley Whitten Group *Stormwater/Environmental Peer Review* dated April 19, 2021
- 30) Horsley Whitten Group *Stormwater/Environmental Peer Review* dated May 18, 2021
- 31) Horsley Whitten Group *Stormwater/Environmental Peer Review* dated June 14, 2021
- 32) Beals Associates, Inc. Memorandum dated March 18, 2021
- 33) Weston & Sampson Water Service Peer Review dated February 27, 2020
- 34) Tighe & Bond Wastewater Peer Review dated March 10, 2020
- 35) WorldTECH Engineering Traffic Impact Peer Review dated February 21, 2020
- 36) Vanasse & Associates, Inc. Traffic Impact Response Letter (WorldTECH) dated August 19, 2020
- 37) Vanasse & Associates, Inc. Traffic Impact Response Letter (Peabody) dated August 19, 2020
- 38) WorldTECH Engineering Traffic Impact Response Letter dated August 27, 2020
- 39) Vanasse & Associates, Inc. Traffic Impact Response Letter (WorldTECH) dated March 10, 2021
- 40) Vanasse & Associates, Inc. Traffic Impact Response Letter (Peabody) dated March 10, 2021
- 41) WorldTECH Engineering Traffic Impact Response Letter dated April 21, 2021
- 42) WorldTECH Engineering Traffic Impact Response Letter dated May 14 2021

The Board should be aware of the following items:

- 1) The site is located within the FEMA 1% Annual Chance Flood Plain (100-year Flood Plain), which is designated at elevation 27. Every year there is a 1% chance that the main building could be surrounded with up to 6.4-feet of flood water.
- 2) The project limits are approximately 3-feet off the wetland and the rear building is to be constructed approximately 7-feet off the wetland line.

- 3) An approved wetland line has not been included on the site plan.
- 4) The Board should recognize that this project requires the use of 20 tandem parking spaces to achieve a parking ratio of 1.58.

The Department of Public Services respectfully requests that any decision issued by the Board for this project shall reflect the following conditions:

- 1) Prior to issuing a building permit:
 - a) A subsurface investigation is to be conducted prior to construction to determine the presence or absence of past USTs, subsurface collection systems, soil and/or groundwater contamination due to its former use as an auto garage and auto repair facility (from about 1914 to at least 1949) per the recommendation of the applicant's Environmental firm Partner Engineering and Science, Inc.
 - b) A final site plan shall be provided that shows the inverts of the existing catch basins at the intersection of Elliot Place and Little's Lane.
 - c) Additional subsurface investigation of the front infiltration area is to be conducted. This investigation shall be done by a Massachusetts licensed soil evaluator and witnessed by this Department.
 - d) A copy of the finalized roof connection plan showing the roof drainage tying into the front infiltration bed shall be provided to this Department.
- 2) In respect to the onsite infiltration area:
 - a) All fill material is to be removed from under the infiltration bed to the depth of the estimated seasonal high groundwater (ESHGW) and replaced with Title 5 approved sand. A sieve analysis shall be conducted on any fill material below the ESHGW to verify that it has an infiltration rate in excess of loamy sand.
 - b) A bed bottom inspection of the proposed infiltration bed shall be conducted by the applicant's licensed soil evaluator and witnessed by this Department. The inspection shall take place prior to the installation of any stone within the infiltration bed.
 - c) The area of the infiltration bed is not to be used for stockpiling, temporary sedimentation basins or any other activities that may negatively impact its ability to properly operate in the future.
- 3) This project is required to use a blue roof on the main building per the Hancock Stormwater Report dated March 2020, revised May 2021.

- 4) The StormTrap System shall be lined and fully watertight. The system shall be tested for watertightness in the presence of this Department.
- 5) All stormwater piping (private or public) that are located in the City's right-of-way shall be reinforced concrete pipe.
- 6) A CCTV inspection of the drain line within Oak Street shall be performed by the applicant. Any deficiencies found during the inspection process shall be repaired.
- 7) Stormwater being detained under the proposed building will not be allowed to enter the City's municipal sewer system. The applicant will need to obtain written permission from the City's Plumbing Inspector's Office waiving the requirement that the stormwater collected below the building not be discharged into the sewer system.
- 8) The site shall be graded to pitch the stormwater away from the building at a minimum of a 3% slope for 20-feet.
- 9) The site plan shall be updated to include the proposed infrastructure needed to collect the stormwater under the building prior to applying for a building permit. This infrastructure shall include an MDC trap as shown on the site plan.
- 10) All stockpiling shall be located outside the 100-foot buffer zone.
- 11) Inlet protection shall be installed in all new catch basins immediately after they are constructed.
- 12) At least 14 days prior to commencing land disturbance activities, the applicant shall provide copies of the following documents to the City:
 - a) Stormwater Pollution Prevention Plan
 - b) Signed Operation & Maintenance Plan
 - c) Signed Illicit Discharge Statement
- 13) The property owner shall mail proof of inspections and cleaning of the stormwater system to the Public Services Department c/o Environmental Engineer, 50 Farm Avenue, Peabody, MA 01960 by October 31st of every year and is to retain a copy for themselves.
- 14) Snow shall be stored in a manner that does not reduce onsite parking or interfere with pedestrian access and vehicle line of sight. The applicant shall not plow snow off of their property and into the City's Right-of-Way.
- 15) Signage is to be installed warning that the parking lot is within the flood plain.

Peabody Zoning Board of Appeals
40 Oak Street
June 21, 2021
Page 5

- 16) Motor vehicles and the onsite dumpster shall be removed during moderate and major flooding as defined in the applicant's Draft Flood Response Plan.
- 17) All signage and pavement markings are to comply with current MUTCD standards.
- 18) The reconstructed sidewalk along the project's frontage shall be concrete.
- 19) The applicant shall contribute:
 - a) \$5,000 towards improving signage and striping at the intersection of Oak Street/Winter Street
 - b) \$65,000 to mill and overlay Oak Street
 - c) \$20,000 for the purposes of sidewalk upgrades along Oak Street and at the intersection of Washington Street/Oak Street
 - d) \$15,000 for the purchase and installation of bus shelters on Washington Street
- 20) The Board should consider having the applicant join the North Shore Transportation Management Association (NSTMA) for a 5-10 year commitment.
- 21) The applicant's contractor shall provide our Department with proof of the onsite water main passing both a bacterial and pressure test prior to it being turned on.
- 22) The applicant shall make a payment in the amount of \$151,000 into the City's Inflow/Infiltration Removal to offset their increase in sewer loading of 15,100 GPD.

We look forward to presenting our recommendations at this evening's Board meeting. Should you have any questions and/or comments in the meantime, please contact me at 978-536-7126.

Be advised the Horsley Witten Group Stormwater & Environmental Peer Review Letter dated June 14, 2021 is attached to this memo.

Horsley Witten Group

Sustainable Environmental Solutions

112 Water Street • 6th Floor • Boston, MA 02109
857-263-8193 • horsleywitten.com



June 14, 2021

Mr. William G. Paulitz
City of Peabody
Department of Public Services
50 Farm Avenue
Peabody, MA 01960

Re: Fourth Engineering Peer Review
Residences at O'Shea Field: 40 Oak Street, Peabody, MA

Dear Mr. Paulitz:

The Horsley Witten Group, Inc. (HW) is pleased to provide the Peabody Zoning Board of Appeals with this letter report summarizing our fourth peer review for the residential development proposed at 40 Oak Street, Peabody, MA. The plans were prepared for 40 Oak Street Development, LLC (Applicant) by Hancock Associates. The Project Site is on a 1.6±-acre parcel accessed from Oak Street with a secondary access to Littles Lane. Currently, the site is greater than 80% impervious, consisting of an existing building and large paved parking lot. The site is generally flat. The proposed project includes construction of a 74-unit apartment building, 8-units of townhouses, paved vehicular and pedestrian access, parking areas, landscaping, utilities, and improved stormwater management.

The site is within the 100-year flood plain (Zone AE, elevation 27) according to the FEMA flood mapping. There are wetlands just to the east of the site on the Peabody Historical Society property. Approximately 19,500 square feet (SF) of the site is located within the 100-foot buffer zone of the wetlands. The proposed redevelopment project is within the jurisdiction of the Peabody Conservation Commission.

The following additional documents were received by HW in response to our peer review dated May 18 and a work session conducted on May 28, 2021:

- Memorandum regarding Compensatory Flood Plain Analysis – The Residences at O'Shea Field, 40 Oak Street, Peabody, MA 01960, prepared by Hancock Associates, dated March 11, 2021, revised June 3, 2021 (110 pages).
- Existing HydroCAD Model printed June 3, 2021 (33 pages).
- Proposed HydroCAD Model printed June 3, 2021 (69 pages).
- Two sheets from Permit Site Plan, The Residences at O'Shea Field, 40 Oak Street, Peabody, Massachusetts, prepared by Hancock Associates, revised through May 28, 2021, which includes:
 - Grading and Utility Plan of Land 4 of 8
 - Site Details 7 of 8

Site Visit

HW staff conducted a site visit of the property at 40 Oak Street on Friday August 28, 2020 to confirm the existing site conditions and verify field assumptions reported in the Applicant's submission package.

Environmental Due Diligence Review: ASTM Phase I Report

HW conducted a peer review of the report titled *Phase I-Environmental Site Assessment, Elk's Lodge #1409*, prepared by Partner Engineering and Science, Inc. and dated June 21, 2016 (the "2016 Phase I Report"). This peer review focused on determining the completeness of the 2016 Phase I Report regarding Recognized Environmental Conditions (RECs), Historical Recognized Conditions (HRECs) and Controlled Recognized Conditions (CRECs). ASTM E 1527-13 defines these as follows:

- REC: "the presence, or likely presence of any hazardous substances or petroleum products in, on or at a property: (1) due to release to the environment, (2) under conditions indicative of a release to the environment, or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions."
- HREC: "a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls)."
- CREC: "a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls)."

The 2016 Phase I Report identified the following:

- At the time of reconnaissance (June 16, 2016), the 1.61-acre property was occupied by an Elk's Lodge (the "Subject Property") which consisted of a lounge/bar, a function hall and a small kitchen. The property has been occupied by the Elk's Lodge since approximately 1966. Prior to 1966, the property was utilized for auto repair between 1914 and 1949.
- A 330-gallon above ground storage tank (AST) containing fuel oil is located in the basement. The tank was installed in 2001 and did not have secondary containment. According to the 2016 Phase I Report "No staining, leaks or spills were noted in the vicinity AST."
- A release of approximately 125-gallons of fuel oil occurred at an abutting residence to the southeast (42 Oak Street). Groundwater was determined to flow to the northwest and is located approximately four to eight feet below grade. Testing of soil and

groundwater between the property and release site did not identify total petroleum hydrocarbons (TPH) above the laboratory reporting limit.

- The 2016 Phase I Report concluded that the historic use of the Subject Property for auto repair was considered a REC and that a limited subsurface investigation should be conducted to determine the “presence or absence of former USTs, subsurface collection systems, and soil and/or groundwater contamination due to the former use of the subject property as an auto garage and auto repair facility.” No HRECS or CRECs were identified.

HW concurs with the conclusion of the 2016 Phase I Report indicating that a limited subsurface investigation should be completed to determine if a release of oil and/or hazardous material (OHM) has occurred at the Subject Property. HW was not provided with a copy of the limited subsurface investigation report.

Stormwater Review

HW has reviewed the proposed stormwater management design as per the standards of the Massachusetts Stormwater Handbook (MSH) dated February 2008 and the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40). This site is considered “redevelopment” under the Massachusetts Department of Environmental Protection (MassDEP) standards and therefore is subject to the MassDEP Stormwater Standards 2 through 7 to the maximum extent practicable. Below are comments relating to the standards as presented in the MSH.

The following comments correlate to the HW May 18, 2021 third peer review letter. Based on the materials submitted to date, HW has provided additional comments in italicized bold underlined font.

1. *Standard 1 states that no new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.*
 - a. The Applicant has reduced impervious area, reduced the rate of discharge to the municipal system and does not appear to be discharging stormwater via a conveyance into the adjacent wetland.

The Applicant complies with Standard 1.
2. *Standard 2 requires that post-development runoff does not exceed pre-development runoff off-site.*
 - a. The Applicant included an Existing Drainage Area Figure and a Proposed Drainage Area Figure which indicate that the catchment areas are contained within the property boundaries. During HW’s site visit on August 28, 2020 it was observed that the parking lot is lower than several of the abutting properties. HW recommends that the Applicant revisit the subcatchment areas and verify that the proposed stormwater management design includes the runoff from the abutting parcels.

HW (04/19/21): The Applicant has revised the drainage maps and HydroCAD modelling to include the contributing drainage areas from the abutting properties.

No further comment.

- b. HW recommends that the Applicant clarify the design for the blue roof. The HydroCAD model indicates that the blue roof will provide 6 inches of storage over the entirety of the large apartment building. It is not clear from the plan set how this storage will be constructed. HW recommends that the Applicant include additional details or notes on the plan set.

HW (04/19/21): The Applicant has added a detail of a Zern Roof Drain to Sheet 7 of 7. The detail indicates that the drain is equivalent to a 2-inch orifice and that four roof drains will be required. The HydroCAD model includes four 2-inch orifices as the outlet device for the blue roof on Building 1. The Applicant has noted that the building structural design can accommodate the storage of snow or water on the roof. HW recommends that any decision issued for this project clearly indicate that Building 1 will be constructed with a blue roof.

HW (06/14/21): See potential conditions of approval under Comment 12 below.

- c. The Applicant has indicated that there is less than 2 feet of separation between the proposed infiltration chambers and the estimated seasonal high groundwater (ESHGW). The estimated ground water elevation of the test pits conducted in January 2020 is not clear. HW recommends that the Applicant add the elevation at the surface and the elevation of the seasonal high ground water to the test pit logs provided on Sheet 4 of 6.

HW (04/19/21): The Applicant has not included the surface elevations or the elevations of the ESHGW to the test pit logs provided on Sheet 4 of 7 as requested. The Applicant has requested that the ZBA condition any approval on requiring soil testing prior to submission of Final Plans.

HW has estimated that ESHGW for Test Pit 4, located within the footprint of Infiltration System S1, is at approximately elevation 18.8. The bottom of the proposed infiltration chambers is set at 19.87. The Applicant has eliminated Infiltration System S2 from the proposed design. HW recommends that prior to installation the ESHGW below Infiltration System S1 be confirmed.

HW (06/14/21): See potential conditions of approval under Comment 12 below.

- d. The Applicant is required to comply with Standard 2 to the maximum extent practicable. It appears that the proposed design is an improvement over existing conditions however if the ESHGW elevation is above the bottom of the infiltration systems they will not function as designed. HW recommends that the Applicant confirm that the infiltration systems are not located within groundwater.

HW (04/19/21): The Applicant has not provided documentation confirming that the infiltration systems are not located within groundwater. However, based on the infiltration chamber design elevations and the test pit logs it appears that the proposed infiltration system is probably above the ESHGW. The Applicant has stated in the stormwater report that the StormTrap chambers are not above the groundwater elevation, but the design allows the chambers to function below groundwater as they are watertight.

HW has estimated that ESHGW is between elevations 18.5 and 20.0 for the entire

site. The bottom of the detention StormTrap system is set at elevation 17.76. The HydroCAD model does not include infiltration for the StormTrap system which is appropriate. HW recommends that any decision issued for this project require that the StormTrap system be fully lined / watertight to avoid groundwater from entering the proposed detention system and consequently flowing out the municipal system.

HW (06/14/21): See potential conditions of approval under Comment 12 below.

- e. The Applicant has included a blue roof on the largest building, HW recommends that the Applicant consider creating blue roofs on the two smaller buildings as well. Furthermore, HW recommends that the Applicant confirm that the cost of constructing the building with a blue roof is not overly excessive and therefore may be eliminated when construction drawings are developed. The Applicant may choose to investigate whether stormwater can be detained in pipes located under the parking lot.

HW (04/19/21): The Applicant has noted that the construction of the back buildings precludes blue roofs and has provided additional stormwater storage under the parking lot in the StormTrap chambers. No further comment.

3. *Standard 3 requires that the annual recharge from post-development shall approximate annual recharge from pre-development conditions.*

- a. The Applicant has noted that the proposed site contains hydrologic soil group (HSG) A with an associated infiltration rate of 2.41 in/hr. HW finds this classification and value to be acceptable.

HW (04/19/21): No further comment required.

- b. As noted above the Applicant is required to comply with Standard 3 to the maximum extent practicable. It appears that the proposed design is an improvement over existing conditions however if the ESHGW elevation is above the bottom of the infiltration systems they will not function as designed and will not provide the recharge as calculated by the Applicant. HW recommends that the Applicant confirm that the infiltration systems are not located within groundwater.

HW (04/19/21): See response 2.d. above. No further comment required.

- c. HW (05/18/21): As discussed during the ZBA hearing on May 3, 2021, HW recommends that the Applicant expand the subsurface infiltration system to the maximum extent practicable. It appears that the Applicant may be able to expand the system towards the southeast.

HW (06/14/21): The Applicant has increased the infiltration system by 23 additional chambers. This appears to be the maximum extent practicable. HW has no further comment.

4. *Standard 4 requires that the stormwater system be designed to remove 80% Total Suspended Solids (TSS) and to treat 1.0-inch of volume from the impervious area for water quality.*

- a. The Applicant has included three Stormceptors for pretreatment and has assigned them a TSS removal rate of 80%. HW recommends that the Applicant include the vendor's

documentation illustrating that the chosen size of the structures will provide the suggested TSS removal.

HW (04/19/21): HW recommends that the Applicant provide documentation from the vendor that confirms that the size of the Stormceptors proposed (STC 900) provides the 80% TSS removal listed in the TSS Removal worksheet. HW notes that the Stormceptor 900 will likely meet the TSS removal credit listed however for documentation purposes the vendor's documentation should be provided.

HW (05/18/21): The Applicant has provided a cut sheet from the Rinker Material manufacturer indicating that the STC900 is designed to manage a flow of 0.89 cubic feet per second (cfs). The Applicant has further provided the water quality calculations to each of the four proposed STC900s indicating that the proposed runoff from 1 inch of precipitation over the impervious area is less than 0.89 cfs to each structure. No further comment.

- b. HW further notes that MassDEP has stated that it is its practice to assign the Stormceptor 450i with a TSS removal rate of 25% as it acts similarly to a catch basin. HW recommends that the Applicant relocate the Stormceptor 450i proposed at CB B2 to DMH B3.

HW (04/19/21): The Applicant has replaced the Stormceptor 450i units to Stormceptor STC 900 units as well as removed the Stormceptor 450i from CB B2. No further comment.

5. *Standard 5 is related to projects with a Land Use of Higher Potential Pollutant Loads (LUHPPL).*
 - a. The site is not considered a LUHPPL, therefore Standard 5 is not applicable.
HW (04/19/21): No further comment required.
6. *Standard 6 is related to projects with stormwater discharging into a critical area, a Zone II or an Interim Wellhead Protection Area of a public water supply.*
 - a. The site is not within a critical area, therefore Standard 6 is not applicable.
HW (04/19/21): No further comment required.
7. *Standard 7 is related to projects considered Redevelopment. A redevelopment project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: Standard 2, Standard 3, and the pretreatment and structural best management practice requirements of Standards 4, 5, and 6. Existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions.*
 - a. The proposed project as designed will reduce impervious area and therefore is considered redevelopment, the Applicant is required to meet the Stormwater Management Standards only to the maximum extent practicable.
HW (04/19/21): No further comment required.
 - b. It is HW's opinion that the Applicant has improved the existing conditions of the site by

decreasing impervious area, proposing water quality treatment and on-site attenuation to site runoff before discharging into the municipal drain line.

HW (04/19/21): No further comment required.

8. *Standard 8 requires a plan to control construction related impacts including erosion, sedimentation or other pollutant sources.*
 - a. HW recommends that the locations and details of the erosion and sedimentation control measures proposed in the Erosion and Sediment Control Plan be indicated on the design plans, including construction entrance, soil stockpiles, staked straw wattles, siltation fence, inlet protection, and dewatering.

HW (04/19/21): The Applicant has stated that the requested details will be provided to the Conservation Commission during the Notice of Intent approval process.
HW (06/14/21): See potential conditions of approval under Comment 12 below.
 - b. HW recommends that any stockpiling areas be located outside the 100-foot buffer zone of the neighboring wetlands.

HW (04/19/21): The Applicant would accept this requirement as a condition of approval.
HW (06/14/21): See potential conditions of approval under Comment 12 below.
 - c. HW recommends adding a provision that inlet protection be installed in all new catch basins immediately after they have been constructed.

HW (04/19/21): The Applicant would accept this requirement as a condition of approval.
HW (06/14/21): See potential conditions of approval under Comment 12 below.
 - d. HW recommends that the Applicant note if any trees will be removed, or specific trees protected during construction. A tree protection detail should be provided if applicable.

HW (04/19/21): The Applicant would accept this requirement as a condition of approval.
HW (06/14/21): See potential conditions of approval under Comment 12 below.
9. *Standard 9 requires a Long-Term Operation and Maintenance (O & M) Plan be provided.*
 - a. The Applicant has provided a Long-Term O&M Plan. HW recommends that the Applicant provide a simple plan, separate from the design plans that is drawn to scale and labels the location of all stormwater practices associated with the site.

HW (04/19/21): The Applicant would accept this requirement as a condition of approval.
HW (06/14/21): See potential conditions of approval under Comment 12 below.
10. *Standard 10 requires an Illicit Discharge Compliance Statement to be provided.*
 - a. The Applicant has stated that there are no known illicit discharges from the site currently or proposed and will provide a signed Illicit Discharge Compliance Statement prior to the discharge of any stormwater to post-construction best management practices (BMPs).

HW recommends that this be included as a condition for any permits issued for this project.

HW (04/19/21): The Applicant would accept this requirement as a condition of approval.

HW (06/14/21): See potential conditions of approval under Comment 12 below.

11. *Additional Comments:*

- a. HW recommends that the Applicant provide closed drainage pipe calculations utilizing the rational method for the catch basin network within the proposed site as well as the replacement pipe. HW recommends that the watershed area of Elliot Place be considered in the drainage calculations for the replacement pipe.

HW (04/19/21): The Applicant has not included the closed drainage pipe calculations and has requested that the ZBA require receipt of the calculations as a condition of approval. HW has no objection to this condition if the reviewing authority, possibly the DPW, has the capacity to review the calculations.

HW (05/18/21): The Applicant has utilized the HydroCAD model to analyze the closed drainage network. Most of the system appears to be able to contain a 25-year storm event. Except for catch basin CB D2A with a rim of 20.80, the model indicates that the catch basin will overtop by approximately 4.4 inches during a 25-year storm event. The HydroCAD model indicates that CB D2A does not overtop during a 10-year storm event.

HW (06/14/21): The revised HydroCAD model indicates that CB D2A will overtop by approximately 3.5 inches during a 25-year storm event. CB D2A is within the parking lot of the project site. HW has no further comment.

- b. The Applicant has indicated that the entire site is located within the 100-year flood plain. HW recommends that the Applicant provide compensatory storage calculations to ensure that the proposed development does not negatively impact the existing flood plain. The calculations should clearly indicate the storage of flood water beneath the buildings. HW further recommends that elevations of the buildings be provided to verify that flood waters can flow under the buildings without any restrictions.

HW (04/19/21): The Applicant has provided compensatory storage calculations dated March 11, 2021.

- HW was not able to replicate the proposed area for the 21-foot contour elevation.

HW (05/18/21): The Applicant has revised the proposed area listed for the 21-foot contour. HW agrees with the revised value.

- There are a few spot grades associated with the drainage structures and walls that should be reviewed by the Applicant along the southeast curb line. Specifically in the vicinity of CB 1A.

HW (05/18/21): The Applicant has clarified the existing grades at the property line which impact the proposed top of wall.

- It appears that north of Building 1 there should be a 22-foot contour between Building 1 and the driveway.

HW (05/18/21): The Applicant has adjusted the contours north of Building 1 as recommended.

HW recommends that the Applicant provide additional clarification for the proposed 21-foot contour and review the areas noted above. The Applicant has noted that the flood storage between elevation 20 and 21 will be reduced. HW understands that the drain in Oak Street is too high to allow the proposed surface elevation to be any lower. The Applicant has proposed subsurface detention along the northwest property boundary utilizing 56 StormTrap chambers that are lined and therefore do not intercept the groundwater. The chambers may accommodate the flood storage below elevation 21 a large portion of which is coming from offsite through the municipal drainage system that intersects the sites stormwater system. HW recommends that the Applicant clarify if the chambers will provide the flood storage that will be lost between elevation 20 and 21.

HW (05/18/21): The Applicant has noted that under existing conditions the parking lot floods during a 100-year storm event due to the size of the existing stormwater system. Therefore, the site is not able to store flood water below elevation 21.35. The Applicant has proposed subsurface chambers to detain the onsite stormwater. HW has compared the HydroCAD model of three existing structures with three proposed structures in generally the same locations. The concern is the peak flood elevation during the 100-year storm events appears to be higher under the proposed conditions, therefore utilizing potential flood storage capacity. HW recommends that the Applicant confirm the structures compared are realistic and justify the rise in elevations.

HW (06/14/21): The Applicant has provided a memorandum dated June 3, 2021 detailing the flood plain analysis. HW finds the explanation reasonable and agrees that the proposed development is providing adequate compensatory flood storage. No further comment.

Location	Structure #	Rim	Outlet Device Elev. – size	Peak @ 100-year
Oak Street	Ex. CB1A	22.78	18.7 – 12"	21.57
<u>Oak Street</u>	<u>Ex. CB1A</u>	<u>22.78</u>	<u>16.8 - 12"</u>	<u>21.40</u>
Oak Street	Pr. DMHD8	22.78	16.8 – 12"	21.74
<u>Oak Street</u>	<u>Pr. DMHD8</u>	<u>22.78</u>	<u>16.8 – 12"</u>	<u>23.32</u>
Note:	<p>The Applicant is retrofitting the existing CB to be a DMH. There are two inverts at CB1A. HW believes that 16.80 is the invert for stormwater flowing into the structure from the site while 18.7 is the invert flowing out of the structure down Oak Street. The Applicant modeled the existing site using the higher invert and the proposed using the lower invert. HW believes that the inverts should match. The rise in the peak elevation is within the structure.</p> <p><u>HW (06/14/21): The Applicant has adjusted the outlet device listed in HydroCAD under existing conditions to match the proposed outlet device as recommended.</u></p>			
Within Site	Ex. CB1B	20.66	17.10 – 12"	21.35
<u>Within Site</u>	<u>Ex. CB1B</u>	<u>20.66</u>	<u>17.10 – 12"</u>	<u>21.37</u>
Within Site	Pr. CBD2	20.80	17.53 – 12"	21.69
<u>Within Site</u>	<u>Pr. CBD2</u>	<u>20.80</u>	<u>17.53 – 12"</u>	<u>21.63</u>
Note:	<p>The Applicant is replacing the existing catch basin at the low point of the site. The peak elevation of stormwater during a 100-year event will rise by 4".</p> <p><u>HW (06/14/21): HW agrees with the elevations provided in the HydroCAD and included in the memorandum dated June 3, 2021. No further comment.</u></p>			
Little Lane	Ex. 1P	21.86	18.76 – 12" 21.70 – 5' weir	22.14
<u>Little Lane</u>	<u>Ex. 1P</u>	<u>21.86</u>	<u>18.25 – 12"</u> <u>21.70 – 5' weir</u>	<u>22.15</u>
Little Lane	Pr. CBC1	21.86	18.76 – 12" 22.3 – 2.5' weir	22.56
<u>Little Lane</u>	<u>Pr. CBC1</u>	<u>21.86</u>	<u>18.76 – 12"</u> <u>22.0 – 15' weir</u>	<u>22.21</u>
Note:	<p>The Applicant is retaining the existing catch basin. The peak elevation of stormwater during a 100-year event will rise by 5".</p> <p><u>HW (06/14/21): The Applicant has clarified the weir under proposed conditions and made some further adjustments. The peak elevation will rise less than 1" in Little Lane.</u></p>			

- c. HW further recommends that signage be placed in prominent areas of the parking lot and building entrance notifying the residents that the parking lot is within a flood plain and during severe rain events there is a potential for the parking lot to flood and that cars will need to be relocated. Alarms may be considered inside the building sounding when the water level reaches a certain elevation.

HW (05/18/21): The Applicant is amenable to the signage. HW recommends that a severe rain event is comparable to a 2-year storm event or 3.0 inches of precipitation.

HW (06/14/21): See potential conditions of approval under Comment 12 below.

- d. The ZBA may choose to require the Applicant to secure a location that the residents can move vehicles to during a severe rain event. As noted by the Applicant the 100-year flood plain is at elevation 27. The lowest catch basin within the proposed parking lot is at elevation 20.9, and the parking elevation beneath the largest building is at elevation 21.75.

HW (06/14/21): Comment stands for consideration by the ZBA.

- e. The proposed dumpster is set just below elevation 23. HW recommends that the Applicant consider actions associated with the dumpster that must be performed prior to severe rain events, including removal of any trash, and securing or relocating the dumpster until flood waters recede.

HW (05/18/21): The Applicant is amenable to having the dumpster moved during a severe rain event. HW recommends that a severe rain event is comparable to a 2-year storm event or 3.0 inches of precipitation.

HW (06/14/21): See potential conditions of approval under Comment 12 below.

- f. HW (05/18/21): HW recommends that the Applicant confirm that the subsurface infiltration system and the subsurface StormTrap system can be installed without negatively impacting the adjacent properties.

HW (06/14/21): The Applicant has made some adjustments to the placement of the subsurface infiltration system and the subsurface StormTrap system. During the building permitting process the Applicant will development appropriate measures to avoid any impact to adjacent properties.

12. HW (06/14/21): Potential Conditions of Approval for the ZBA to Consider:

- a. Building 1 will be constructed with a blue roof.
- b. Prior to installation the ESHGW below Infiltration System S1 must be confirmed.
- c. The StormTrap system must be fully lined and watertight.
- d. The erosion control detail will be approved by the Conservation Commission during the Notice of Intent permitting process.
- e. Stockpiling areas must be located outside the 100-foot buffer zone of the adjacent wetlands.
- f. Inlet protection must be installed in all new catch basins immediately after they

have been constructed.

- g. A tree protection detail will be provided if applicable.
- h. A simple plan will be provided, drawn to scale with labels at the location of all stormwater practices associated with the site.
- i. A signed Illicit Discharge Compliance Statement will be provided prior to the discharge of any stormwater to post-construction best management practices.
- j. Signage must be placed in prominent areas of the parking lot and building entrance notifying the residents that the parking lot is within a flood plain and when rain events are predicted to drop 3.0 inches of rainfall during a 24-hour period there is a potential for the parking lot to flood and that cars will need to be relocated.
- k. Arrangements must be made for the dumpster to be removed from the site when a rain event is predicted to drop 3.0 inches of rainfall during a 24-hour period.

Conclusions

HW is satisfied that the Applicant has addressed our comments. HW has provided potential conditions of approval for discussion purposes. The Applicant is advised that provision of these comments does not relieve him/her of the responsibility to comply with all Commonwealth of Massachusetts laws, and federal regulations as applicable to this project. Please contact Janet Bernardo at 857-263-8193 or at jbernardo@horsleywitten.com if you have any questions regarding these comments.

Sincerely,

HORSLEY WITTEN GROUP, INC.



Janet Carter Bernardo, P.E.
Associate Principal