

CONSERVATION COMMISSION
781-982-2100

Minutes
May 27, 2014
Buckley Room
7:00 p.m.

Members Present: Denis Bergin, Joe Feeney, Jerry Kelliher, Russ Forsythe, Bill Stone

7:00 p.m. **Meeting with Dori Jamieson, Doug Ulwick, Joe Hatstrup and Jim Dombrowski re Rail Trail.** Dori explained this is a maintenance project approximately 1700 feet long, This is an old rail trail bed about 1,000 feet from Monroe Street to Charles Street, and 700 feet from Charles Street to Rockland town line. It would cover Abington thru Rockland. They would come in, take out old rail tracks and construct a trail the same length. All the debris would be taken out. Trail would be suitable for hiking, strollers and mountain bike levels. Doug - gave a brief background on this stretch of railroad. It was abandoned when it was no longer needed, and the state now owns it. He has approached Bruce Hughes and got GIS plans for area. They have identified two wetlands - an isolated wetlands and culvert under roadbed. The other is French's Stream on Abington/Rockland border. They are not excavating, not building, not using chemicals; this is just to maintain road bed and remove elements. It will be no cost to the town; the cost is recouped through sale of rails.

Photos were shown on Rockland end of rail trail. Jim – there are granite abutments on both sides, approximately 10' wide. Joe Hatstrup - it is recapped with recycled asphalt. Rails are pulled from the corridor, not exterior. Doesn't affect area where they are working. There is program on website that shows the process. Residents take care of it on the Rockland side. Denis - does the state give the land? No, it stays state owned land. Most of wetlands are on Rockland side (#84-401 shows delineation). Everything is contained in the right of way, removing existing ties. There is existing stone. They are bringing in recycled asphalt. Mr. Hatstrup did Rockland with no problem. Jim – because they are within 100' of wetlands, an RDA could be filed or administrative review. All work is contained in a 10' wide area in a 16.5 foot right of way; they have demonstrated that there is no erosion or impact. There are only two small limited areas. Denis was in favor of RDA. It ends at Monroe Street. Project will take about 5 weeks. Doug - there are the remains of an old granite turntable used to turn the engine around, and they are trying to do something with that. Abutters would not have to be notified for RDA. Joe Hatstrup – would like to get started as soon as possible. Jim - could they start away from the wetlands? Yes. They will aim for June 10 for RDA.

Continued hearing, NOI, 84-0481, David Federico, 739 Greendale Avenue, Needham, for the construction of a single family home with appurtenances within the 100' buffer of a bordering vegetated wetlands on Robbins Avenue. Letter received from John Cotter to continue to June 10, 2014. Opened to floor, no comments. Motion to continue made by Joe, seconded by Russ, unanimous.

Continued hearing, #84-472, Abbreviated Notice of Intent filed by the Town of Abington, for the restoration/preservation of concrete Memorial Arch and attached bronze statuary at 200 Park Avenue, Island Grove Pond/Park. No excavation or new construction is involved. Doug Ulwick – Justine Orlando from Chapman Waterproofing had submitted information on test panels, submitted a written narrative, chemical cut sheets. Felt they had complied with what was requested. Justine and Doug had met the next day to delineate where the panels would be done. It would be the lower part of the arch facing the Grove. There are already parapet walls there that would help contain any runoff and there is a concrete apron there as well. It also wouldn't require staging. Two blocks would be 3' x 3' each to be tested. Process would mechanically remove any stucco applied and collect and dispose of that and try different treatments on the concrete sections.

Denis – how were they going to protect the resource area? Joe – they were looking for information on how they were going to do it. Board wants a protocol. Doug – they will get back to board once they know what they are going to do once they do the test panels. The documents submitted list high pressure wash will be used to clean and the rinse water will be collected in the bladder below, transported in 5 gal. buckets to 55 gal. drums and removed from the work site each day. Joe – how big is the bladder, how much area is going to be covered when they do the pressure washing. Some of these chemicals are nasty. He didn't feel that what was submitted tells what they are going to be doing out there. Concrete is porous, and if the chemicals get on that, it will seep into it. It lists on the sheets not to get in any storm water drains. How is the bladder going to contain it? Are they going to tent the whole thing off, collect aerosol spray that goes up in the air? Doug - bladder will collect it on the ground, and have enough of a bladder to do this. They will collect what is sprayed on the bladder and take it away. They would be dealing with four 3' x 3' panels and won't be dealing with that much as far as chemicals, will be a limited application. This will enable them to know what they need to do for the big application.

Denis - when spraying, what if it goes past the concrete and goes onto the ground – how will they stop that? Doug – they will control where it goes. Bill – asked about safety peel. Doug – it will be brushed on. Joe – there is residue that is left behind if it's not taken off and diluted. Concerned kids would come up and wipe it or if it wasn't washed off, rain could spread it. Doug - there is no kid access to this. Area will be secured. The test panels will be cleaned up. Once they secure the area, the area is secured. They are ready to start, contract has been signed. Arch will be closed, and it will be announced. If you want to fish on the bridge, you can park on the Lake Street side; if you want to go to the swimming hole, you need to park on Park Avenue.

Denis – didn't feel there was enough before the Commission; Board needs a protocol on what will be done, what protection will be taken. Doug – when they come back with the big project, they will know what they are faced with; there are too many variables right now. Denis – wants protocol, step by step as to what will be done. Opened to floor.

Jim Dombrowski - could this be handled in pre-contract meeting? Contractor had been at previous meeting. Denis - this is important resource area; board needs to know steps for protection, didn't think bladder is enough. Doug - does the commission want entire site shrouded, full encapsulation? Jerry – can't they do it like they do when a bridge is worked on? Can't they say they would do something specific to keep anything from happening? Joe - how toxic is it to fresh water? It is up to contractor if they want to encapsulate it 100%. Joe doesn't want to see one drop of any chemicals on the ground or

getting into pond, or in the air. How is it going to be dealt with? Could Justine show the board how they have dealt with this on other projects, taking precautions that none of these products get in the water, all contained everyday, 100% stored offsite and could never be a problem. They would like some sort of diagram of the bladder and how they do it, how they protect the area, then he would be more comfortable. Doug – does he want the final presentation now? Joe - he wants protection in place for test panels as well as whole project. Doug – by the time they've made sure that they are collecting overspray from the top, from the sides, protecting runoff from the bottom, they have done the whole project at that point. The only difference is the scale. Bill - containment is critical, and the board has to uphold the bylaws. Jim Dombrowski – wondered what the chemicals were that were going to be used. Joe gave him the names. There was only one product that was non-toxic.

Meeting continued to June 10, 2014. Joe has brought up concerns because he has used these products before. If the water is captured 100%, it's fine, but wants to see how it is going to be captured to feel comfortable with it. Mentioned having a meeting before the 10th if they were ready. Doug couldn't speak for Justine Orlando's schedule. If an earlier meeting is possible, Doug will contact the board.

Discuss wetlands filling on 1550 Bedford Street. Anonymous complaint was received. Jerry went out - area is surrounded by 8' chain link fence. Went around and there has been filling. There was no one there, and he left his card. The landscaper renting the space called Jerry back, denied he had done anything. Joe looked into it also, got the field card from the Assessor's Office. There are three buildings on the property now that do not have permits. Property is owned by Route 18 Irrevocable Trust, Matthew Ciavattieri, Trustee. Board felt enforcement order should be issued. It was Joe's opinion that buildings were constructed within the buffer zone. Denis was going to contact the Weymouth Conservation Agent. Enforcement order will request filing of NOI by June 10th.

Motion to ratify enforcement order on 1550 Bedford Street made by Bill, Jerry, unanimous.

Meeting with Mr. & Mrs. Aylward, 1066 Washington Street. They explained they haven't done any more work since Denis went out there with letter to stop. They have owned property since 1995. Mr. Aylward brought diagram of property and drainage. There is a pool on 18 on Seoane's property, a stream ran down his stone wall into a 12 inch culvert pipe on the corner of his property. Doesn't know where it goes. Stream was clear at that time, maybe a few cattails in stream. He never saw any water in the culvert until Mr. Seoane started development. Seoane buried the brook, cleared trees and built holding pond, which is 6-8' above his property. It leaches, and he has gotten wetter since that development; you sink into mud going off his deck. Trees have died. Has swales, and is 8' from back. He is re-establishing swale between him and Steve Gosselin. Not filling in stream. Was high ground, but it has sunk, and had to put pump in. Had photos of work Seoane has done. There is a dug ditch behind the stone wall right to his property. Now the stream has been blocked off.

They are raising their land so they can use their backyard. They aren't blocking any runoff. Board was welcome to come out and take a look. Joe had gone out there. Mr. Aylward – culverts are inadequate in a big storm. Before property was cleared and developed by Seoane, it was adequate. The Highway Dept. has come out once. Mr. Aylward – would like to finish project. Halfway down the stone wall in the brook there are cattails. There is a berm where the pond is. Mr. Aylward's lot is 100' wide and was not aware there were any wetlands there. He is just trying to get the water to go around him. They have not always had problems with water. Denis – DEP map shows wetlands in their backyard. Joe – he

looked up on the DEP map the property Steve Gosselin is building on, and didn't see wetlands there, but on Mr. Aylward's property. The natural flow of water needs to be maintained. They didn't believe there was an easement on his property. Mr. Aylward – stream was clear and just a trickle most of the time before Seoane developed. Because so much water was angled at the Aylwards, trees died. Behind the wall were trees that Seoane cut down, stumps are still there. Water comes through the middle of the yard now, rather than where it's supposed to go. They had come up twice to complain and were told there weren't wetlands. Joe – there is a statute that any water on your property you have to contain, can't be put on someone else's property. They want to re-establish the swale between Aylwards and Gosselin property. Other swale he would like to make a little deeper, needs to be cleaned out. Stream flows all the time now, used to dry up in summer, now there is at least a trickle all the time. Jerry – did he feel this would help his problem? Yes – it would get the water to go around him. There is a swale behind in his property. Denis - thinks a NOI should be filed with plan on what he has done and is planning to do; his contractor can do it for them. Joe - wants to do site walk. Denis told Mr. & Mrs. Aylward they did not have to survey the wetlands. *(Mrs. Aylward phoned the office the next day to let the commission know the contractor was not able to get the NOI filed by Thursday. They will aim for the next meeting.)*

Meeting re Enforcement Orders on 1200/1212 Bedford Street. Matt McPhail – received the Commission's letter to attend meeting. Denis – enforcement order is still in effect on 1212 Bedford Street and board wanted NOI. Vinnie D'Andrea – at the last meeting he brought in engineer's information from previous filings that says there were no wetlands there. Denis asked if he was going to do a NOI. Joe – the reports pertain to the land he purchased in 1998, not for the land purchased in 2012. Vinnie – he's not going to do NOI.

1200 Bedford Street – Matt McPhail. Joe – there had been some filling on his property. Matt – it is not his intention to fill in pond. He has a letter of cease and desist from State. Has talked to DOT. He gets water from Summit Road and Highland Road. There is a breach on both streets 3' wide, and when it rains, he gets everybody's water. There is a retention pit that he would like to get rid of it. State will send out two civil engineers from state to see what he can do. Is waiting for a letter from them. The water should go under highway. When it rains, he gets 4-5 inches, his property floods. There is a series of 6 inch clay pipes that aren't adequate. One by one, they took them out under the parking lot and put in 12 inch poly pipe which is working pretty good. There is one that goes up into the woods behind the Reeds' house and there isn't much left of it. When it rains, it's not adequate and goes over it into everyone else's yard. Had been waiting to come to commission until he heard from the state. Previous tenants have had to leave because the building flooded. If the state took the poly pipe away, he would probably lose that property. His intentions are to fill in pit at some point, hire engineer, come back to board. He is not filling pond. He hasn't filled in any land. He sold Vinnie a chunk of land so Vinnie could square off property. He can show board clay pipes. If breaches were closed off, it would go to street where it should. He has lost hardwood floors, heating system due to flooding on this property. It comes down Highland and Summit onto his property. There is a clay pipe that comes from the back, goes by big rock, there is 12' inch pipe that goes into catch basin, goes under highway. Highway cleaned this all out at one point. He talked to state on March 26th and will get a certified letter making arrangements with two engineers from state who would tell him what he could and couldn't do. Was told state doesn't want town's water.

Brian Reed – has spoken to an engineer who said catch basin is to protect people downstream. Size of pipe under Route 18 only allows certain amount of water onto property downstream. You could have people flooded out half a mile downstream because you have now made the pool smaller. More water has to go through that pipe. He understands that the pipe doesn't work anymore, and he appreciates that, but the issue is that Mr. D'Andrea built a wall and put 5' of dirt behind his property which is blocking all the water, on wooded wetlands that are on the DEP map that needs to be removed. There is no order of conditions on the land he did it on.

Matt – he has taken everybody's water for years, he's on the bottom. He would like everyone to work together as long as water goes away from his property; he just doesn't know how to go about it. He would like to remove the 6 inch pipe up back that is compromised and replace it with 12 inch poly pipe. There is nothing left of it. The water still goes on to his property. As far as catch basin at bottom of hill, it goes under the highway and is going to take as much water as it takes. Joe - if he replaced that 6 inch pipe, would that help him? Matt - he felt it would help everyone. Bill wondered if under 18 is blocked, the water going into the pond was much quicker than what was coming out the other end, which is the state's jurisdiction. Mr. Reed – water comes down through the woods and down from the street. Matt - he would pay to put in 12 inch pipe which would alleviate the standing water behind everybody's house. His letter from state refers to pond, gave copy to board. There is standing water there now. Denis will contact state to see what is happening. Mr. Reed – pipe would help, but the water is still going to come down there. What Mr. D'Andrea did was illegal. You can't build on land without an order of conditions, and can't use plans and reports from ten years ago.

1212 Bedford Street - Denis asked Mr. D'Andrea if he had come up with any solutions. The board requested him to do NOI, which he hasn't done. Vinnie – Matt and he have talked about bringing the pipe down. He doesn't have a problem doing the job. Denis – that doesn't help where he filled in the land. How can he rectify the filling of the land? Vinnie – the engineering is there saying it's not wetlands. Joe – that didn't take into account Lots 81A & B. Lot 83 is original lot. Vinnie – it was done on the whole property over 100' over buffer zone. Joe – it wasn't done behind the Reeds' house... Vinnie – reports say there is no buffer zone. Denis saw one of the reports that said there was a buffer zone behind the Reeds' property. Is there a solution to this? Vinnie – wants to use his property and doesn't want Reeds' water on his property. Board of Health will be notified if they don't do something about the mosquito pit. Vinnie – agreed that he did bring in fill, raised grade. He put in barriers and backfilled like Denis suggested. Vinnie had thought Denis had represented the Caristias on this property years back (it was Denis Regin). Denis wants solution to this or NOI. Vinnie had suggested to Reeds before that they need to grade property out to street. Vinnie read letter from Denis from August 2013 that the pool on 1212 Bedford Street was not an isolated wetlands and that there was not a resource area. Denis – there was no mention of backfilling in the letter. Vinnie – he raised the grade, brought in another 2' of dirt. The dirt was there, the wall was there. Denis - filling wetlands isn't solution. Denis – asked if Vinnie thought backfilling affected the water? No. Vinnie – the paperwork he submitted to the board that we couldn't find in the files... He has been here seven times on the same piece of property. He doesn't want the Reeds' water going across his property.

Mr. Vongbandith - pool is bigger and it was wetlands.

Mr. Reed - there has always been water there, but kept going, some did go on to McPhail's property and on to the catch basins, but water goes downhill. Now it's blocked, and it is filled in on Mr. D'Andrea's property and it has created a dam and is pooled up. It was wooded wetlands on DEP map – Vinnie's, Reeds' and McPhail's properties showed wooded wetlands. Now it's gone except for on the Reeds' property and is filled in with over 5' of dirt. It needs to be removed and repaired to what it was before. It should not have been cut down without order of conditions.

Denis – the board has read all the papers that have been submitted, researched the site and been at the site. Meeting brought back to table. The resource areas on land and topography have changed. Mr. D'Andrea brought fill in to the top of the jersey barriers. The abutters now find the water stops at that land, can't go further and goes back on their land. If there wasn't a river before, there is now. The topography changed when the soil was brought in. From that, other problems have happened. Joe - what is next step? H wants to see NOI on strip behind Reeds' house, and in NOI is there ramification where the board can make Vinnie take out the jersey barriers and fill? Denis – the NOI was to ask him to stop and cease doing anything. The commission usually doesn't go the next step, because they try to deal in common sense and reason. Every step further costs money to abutter, Mr. D'Andrea, the Town. The next step if NOI isn't filed is to enforce Enforcement Order. Vinnie - re NOI, he has talked to his attorney, and he has hired engineer, but he's not going to have them do the commission's job. The commission can let him know what they are going to do, then he will decide what he's going to do. Won't decide tonight, wants to confirm with his attorney. Denis – only thing to do is enforce the Enforcement Order and that would be referred to Town Manager and Town Counsel. The next step would be to go to Superior Court. The commission is asking for something very simple to do – asking for plan saying what he did, what he used for the fill, and then look at that and do an order of conditions and find resolution. The board also wants him to determine where wetlands are and come up with solution. Board would like it referred to town manager.

Motion to refer Enforcement Order on 1212 Bedford Street to Town Counsel made by Jerry, seconded by Joe, unanimous.

Matt - can he drop in pipe, which would take most of what's up there? Joe - he's close to wetlands. Matt - just replacing where pipe was before; he can put in 12 inch to replace 6 inch pipe. Can he do that? Denis suggested he file RDA. Matt wants to work with neighbors; it's insane for this to go to court.

Vinnie - had told Mr. Reed he would help him get rid of the mosquito pit, that he would fill it with crushed stone at no cost, like he did his driveway, he plows his side driveway, and he has never paid him. He was being a good neighbor. When his daughter needed an umbrella one day going to school, he gave her an umbrella in the rain. Vinnie wants to give the board the whole picture. Mr. Reed was supposed to get back to Vinnie and never did, so he went ahead and did what he had to do. It is Mr. Reed's problem.

Denis – Vinnie doesn't need to go to court over this; with a little bit of common sense, it can be worked out. Vinnie – his solution is running pipe across property and Matt's property into that pond with state approval. Vinnie has told Matt he will do excavation of Matt's pipe in running it from the back to the pond.

Closed to floor. Motion to close made by Joe, seconded by Jerry, unanimous.

Minutes - Motion to approve April 22, 2014 made by Joe, seconded by Russ, unanimous.

Motion to approve May 13, 2014 made by Joe, seconded by Jerry, 4 ayes, 1 abstention (Denis).

Building Permits - Jerry reviewed permit locations.

Correspondence:

Denis sent letter to Jack Caine, Highway Department re emergency cutting of dead tree at Island Grove.

Letter from TEC Associates re Massachusetts Bay Commuter Railroad 2014 Vegetation Control Program.

Letter from TEC Associates re Keolis Commuter Services LLC 2014 Vegetation Control Program.

Memo from Abington Cultural Council announcing Car Show Fundraiser scheduled for August 2.

E-mail from Mass. Audubon Society requesting support on Environmental Bond.

E-mail from Christine Odiaga, DEP, re changes in abutter notification.

Motion to adjourn the meeting at 9:10 p.m. made by Russ, seconded by Joe, unanimous.

Respectfully submitted,

Nancy Hurst