

Conservation Commission

781-982-2100

Minutes

September 9, 2014

Buckley Room

7:00 p.m.

Members Present: Denis Bergin, Jerry Kelliher, Russ Forsythe, Mike Noonan, Bill Stone, Kathy Creighton

Absent: Joe Feeney

7:00 p.m. **Request for Certificate of Compliance, Musterfield Investments, ACC#7, Lot 3, #7 Colantoni Way; Lot 4, #77 East Street.** Jerry excused himself from this item. John Cotter, from the Russell Wheatley Co., gave presentation. They are finishing the project. Roadway is all done; they got a Partial Certificate of Compliance for Lots 1 & 2 previously. This is for Lots 3 and 4. Lot 3 is completely done; Lot 4 is under construction, but grading done and majority of activity is outside the 100' buffer zone. As-built was done on foundation location. Letter from Russell Wheatley read in support of compliance. Lot 4 hasn't been loamed or seeded and driveway hasn't been completed. Kathy - she's never approved something that's not done; has reservations on Lot 4. Mike - has been by, it's 90% done. Denis – previous issues had been dealt with; didn't have an issue as far as Lot 4. Mike - didn't think they should hold up Lot 4. There is sale pending on Lot 3, not Lot 4.

Motion by Mike to approve a Partial Certificate of Compliance on Lot 3, seconded by Russ, unanimous. They will come back for Lot 4.

Request for Certificate of Compliance, Brian and Gayle Cronin, #84-389, 597 Brockton Avenue. Motion to open the hearing made by Kathy, seconded by Russ, unanimous. Letter submitted from Russ Wheatley certifying compliance, with the exception of parking, which was expanded to create more spaces. A play area, shed and fence were also added. The shed will be moved. Brian has spoken to neighbor re shed and two sections of fence that are on his property, and Mr. Brainerd is not concerned. Shed was not on original property, but it's a movable structure. There were no comments from floor.

Motion to approve the Certificate of Compliance made by Mike, seconded by Russ, unanimous.

Continued hearing, NOI, #84-485, 899 Washington Street, Patricia Louis, Estate of Francis & Wilhelmina Messier, to construct single family dwelling and garage with site appurtenances within the 10 foot buffer zone of a bordering vegetated wetland. Hearing was continued for DEP #, which was received. They have created swales on both sides of property so they won't infringe on neighbors with any overland flow. In botanist's report there was a question of

possible vernal pool, but Brooke Monroe verified that there are no certified vernal pools out there. There were some pockets out there, but not vernal pool. Mike, Jerry and Russ did site walk. They will have to go to BOS for permit for fill over 100 yards. Open to floor, with no comments and back to the table.

Motion to approve the project made by Mike, seconded by Jerry, unanimous. Motion to close the hearing made by Kathy, seconded by Mike, unanimous.

Continued hearing, 0 Adams Street, Brendan Realty Trust, for the construction of an office building including site work within the buffer zone at 0 Adams Street, Map 69, Lot 1. Motion to open made by Jerry, seconded by Kathy, unanimous. Al Trakimas, SITEC - there were four questions the board raised at the last meeting, which they responded to in correspondence dated August 15, 2014.

1. Route 18 drainage improvements – if it drains towards their site would it affect proposed office drainage design? He contacted Mass Highway and they emailed him back plans and summaries that the work they are proposing is going to be mitigated such that the proposed rate of runoff peak flow rate will be less than what currently exists coming off of that portion of the drainage improvements that they are doing to Route 18. It wouldn't affect their property at all. The water would continue to pass through there, but it doesn't pass through any of their internal drainage system. Kathy – has plan changed at all since they have gone to Planning? No; and they haven't finished with Planning as yet.
2. Do they have to obtain a permit from BOS for soil removal? Referred to by law. They feel the proposed office building would exempt the soil removal requirements since they are going to Planning Board and Conservation Commission for the construction of a legal structure and an approved use.
3. No soil is going to be removed from the site. There is 150 cubic yards of total cut and 15,000 cubic yards that will be imported.
4. There was a question as to whether the stream to south was perennial. They contacted USGS. Copy of email from them was attached to this correspondence. One of the items USGS told them is that stream stats is the more current and up to date information. The USGS maps are not meant to be used as any type of legal documents, particularly in regard to streams and drainage. They ran the stream stats calcs for that section of the stream. It needs to meet two criteria – based on DEP regulations that the stream has to have a watershed of at least ½ square mile and a predicted flow rate greater or equal to 1.01 cf per second at the 99 flow duration using the USGS stream stats method. The drainage area is only .15 sq. miles. At the 99th percentile, the predicted flow rate is .002 cfs. Kathy - how did they pick the section of stream? Al - picked where it crosses Adams Street, the lowest point on the site. They didn't calculate it, they just picked the point, then the USGS does the calculations. They can't manipulate those numbers. They just pick the stream stats location; doesn't take into consideration any property lines. Denis – felt they had taken all the requirements the board

requested. Requirements between 100' riverfront inner riparian zone, a 200' outer riparian zone where more measures would have to be applied, maybe some non-development especially within the first 100'. Denis – would they have been able to build that parking lot if it was the riparian zone? Al – the 100' line wouldn't be an issue, but the 200' would cut through the area. Kathy wants to check into stream stats herself. Mike didn't have a problem with the property. Kathy - if Planning makes a change, he would have to come back. Denis felt they had met all the board's requirements. It had been continued with Planning Board for review comments for their consultant. Kathy asked if there would be changes due to storm water management. Al felt their calcs were very conservative in design and didn't anticipate revisions to storm water basins. Kathy – the town has a paid consultant to review storm water and drainage – a lot of the same issues as Conservation, that is why she would rather wait. Mike wanted to go forward. Open to floor, no comments and back to table.

Motion by Mike to approve the project, seconded by Bill, 5 ayes, 1 opposed (Kathy). If there are changes, they would have to come back to the commission. Motion to close the hearing made by Mike, seconded by Bill, unanimous. Board requested copies of information submitted to the Planning Board for their next meeting.

Request for Determination, 70 Cleverly Street, Joao Araujo, to construct a 12' x 10' shed.

Denis stepped down from this hearing. Mr. Araujo is requesting a 12' x 10' shed, movable structure, 26' from his house, 65' to end of property and 50' from right side of property and over 100' to the left. It will be on the grass. Jerry had been out and there are wetlands way back.

Motion for negative determination made by Jerry, seconded by Russ, unanimous.

Update on #84-478, 275 Chestnut Street, with Mr. Vo and Elliott Paturzo. Mr. Paturzo – Order of Conditions still has to be recorded. Will come up with schedule shortly of what they plan to do to meet the Order of Conditions. Denis – asked what work is being done now. They are going to do the 865' of banking on the pond and move the parking lot and stone. They aren't doing any work at the moment. They will remove brush and will come up with a schedule for construction. They are meeting this Friday, so will probably have a schedule by next week.

Mike – as you look at the front of the house, they are supposed to only be using the driveway on the right, which is blocked off. Elliott – they are going to change that. They are going to move the stones and open that driveway up. Mr. Vo – explained they put them there to keep people from driving in and stealing things. Kathy and Mike – use the other side and block the left side. Mr. Vo – he thought they were allowed to drive around. Jerry – board had said he could make 10' path all around. Mike - in Order of Conditions, they were to use right hand driveway only and use 10' around back of house and use other side as exit. They have blocked off the right hand side. Mr. Vo – they haven't touched anything. There was misunderstanding. Elliott – they are meeting on Friday, and they will go over this. They will comply. Mike – there

was flooring truck in front and another vehicle in back of house on left hand side – that shouldn't be there - needs to be on right side not in back.

Denis – are they going before Planning or Zoning? Elliott - they are going to assemble a team going forward. The board will let them know of meeting date in about four weeks. Meeting date may change from Tuesdays.

Discussion on changing meeting date – Joe is not able to attend on Tuesdays, Denis and Russ aren't able to do Wednesdays, Thursdays not a good night. Mondays at 7 p.m. selected. Meetings for October – 14th and 27th.

Building Permits – Jerry reviewed.

Correspondence:

Letter from Brian and Elizabeth Reed re RDA on 1212 Bedford Street
Update on complaint on Linwood Street - Victor Cimino will file an NOI and is stopping activity.
E-mails on 114 Dorsey Street

Order of Conditions: #84-485, 899 Washington Street - A-1(10')-6, B1,2,7, G1,2,3,4,5(25'),6,7, H2,4,5,6,7,8,9, I-1, 2 not g & h.

#84-465, 0 Adams Street - A1(10')-6, B1-8, D1(semi-annual water quality monitoring),3,4, G1-5(25'),6,7, H2,4,5,6,7,8,9, I-1, 2 not g. J. same wording as D2, but semi-annual.

Motion by Mike to adjourn at 8:30 p.m., seconded by Russ, unanimous.

Respectfully submitted,

Nancy Hurst