

**CONSERVATION COMMISSION**  
**781-982-2100**

**Minutes**  
**March 25, 2014**  
**Buckley Room**  
**7:00 p.m.**

**Members Present:** Denis Bergin, Joe Feeney, Kathy Creighton, Jerry Kelliher, Mike Noonan, Russ Forsyth, Bill Stone

**7:05 p.m.** Joe chaired the meeting.

**Request for Certificate of Compliance, ACC#7, Colantoni Way (formerly Savine Street), Musterfield Investments LLC.** Jerry excused himself from this hearing. John Cotter gave presentation with Russ Wheatley and Glenn LaPointe in attendance. They are here for Certificate of Compliance for Colantoni Way, formerly known as Savine Street. Roadway and utilities have all been constructed in accordance with approved plan. It has been reviewed by Planning Board. As-built roadway plan has been approved by Planning Board and has been before the Board of Selectmen to go before Town Meeting to get the roadway accepted. Kathy - plan doesn't show house footprints. John - two of the dwellings are shown; the other two lots haven't been done yet. NOI was for the road. They are asking for the road and lots 1 and 2. Houses are outside 100' buffer zone. They have the occupancy permits for the houses. Joe had gone out there today. Lots 1 and 2 are seeded. This is for road and lots 1 and 2. Lot 4 is outside the 100' buffer zone. Kathy didn't have a problem with a partial certificate.

Motion by Mike to issue Partial Certificate of Compliance and accept as-built plan for lots 1 and 2 and roadway dated October 28, 2013 and come back for Certificate of Compliance on lot 3, with lot 4 excluded (outside the 100' buffer zone), seconded by Bill, unanimous.

**Continued hearing, NOI, 84-478, Thuha Thi Vo, 61 Autumn Lane, Weymouth, for corrective work to stabilize the bank of the pond, with brush to be removed and any exposed earth to be seeded at 275 Chestnut Street, in response to Enforcement Order issued 10/20/2013.** Commission did site walk on Saturday, March 22, 2014 for 275 Chestnut Street. Applicant did not attend. Mike thought Mr. Paturzo would call to be put on a later agenda when he gets additional information together.

Motion by Kathy to continue to April 22, 2014, seconded by Mike, unanimous. Denis will send them a letter letting them know of continuation. There was some concrete (older), brush where river enters pond. Kathy - who decides the level of the dam? Mike - There is a lot of erosion taking place going down into water on town area of pond. It should be brought to Highway Dept. attention.

**Follow-up meeting regarding 1212 Bedford Street.** Mr. D'Andrea was not able to attend. Mr. & Mrs. Reed, 26 Highland Road - concerned there is jersey barrier wall which is acting as dam. There is an intermittent stream that runs behind their house. Right now there is no water there, but when it rains, there is. There are wetlands behind and beside their house. Because of what Mr. D'Andrea has done, there is nowhere for water to go, water can't leave property. It wasn't an issue with one set of jersey barriers along side of their property, but when he bought more land behind their property and built more jersey barriers, he's built a dam. Water can't leave property anymore until it finally goes into the ground and dries up. Today most of the water is gone. Between where the dam is on their property, he has a well attached to their house that is submerged under water. The Reeds are concerned it will get contaminated. They use this well. Mike - there is a restriction on how close you can build or have septic to well, but didn't have specifics.

Mr. Reed - the land he has filled in beside and behind their property was considered wetlands when they bought their house. There is an intermittent stream out there that comes down the hill. Jersey barriers are alongside and behind their property. There is also 3' of dirt along the jersey barriers and about 200 yards of fill was brought in behind barriers on Mr. D'Andrea's property. He's trying to stop water from going onto his own property.

Denis talked to Mr. D'Andrea who had an appointment and couldn't attend meeting and is then going to Florida. He okayed site visit on Saturday if anyone was free. Time for site walk set for 8:00 a.m. on 3/29. Denis has reviewed the files going back to 90's. There was a plan done in 2006-7 by an engineer that indicated wetlands. There were wetlands going down to Route 18, but you see that it's now a parking lot. Denis didn't think there was a stream out there, because when he had gone out, it wasn't running, but it was wet. Mr. Reed - right now it's not wet, but when it rains, it comes down hill into woods, beside and behind his house. They want it to continue on and not stand in their yard; they want problem alleviated. Mr. D'Andrea told Denis he intended to move the barriers.

Mike - this is the second time this has come up since he has been on the board. Kathy added that she had been contacted last week from a neighbor also. Denis - Mr. D'Andrea had come before the board when he was issued an enforcement order and the jersey barrier had been mentioned at that time; maybe that wasn't the best idea in retrospect. It would be better to work out where the wetlands are. Mr. Reed - felt Mr. D'Andrea should be building a drain from the corner of the two lots to the pond; didn't feel he'd been cooperative. When Denis had gone out there at the time of the enforcement order, he didn't think it was a stream; it seemed static. Had not been on commission long, and maybe he got that wrong. The commission had rescinded the enforcement order.

Joe -Mass DOT identified wetlands along Route 18 and thought they had identified something that goes under Route 18 there. Mr. Reed - there is a pipe that goes underneath Route 18. Years ago, they dug the ditch so water would come down behind where his property is, make it to the ditch. There is a pipe behind his property on the next person's property that goes to this ditch

already. Kathy - felt pipe should be checked. Denis wondered if fill had been brought in and covered the pipe. Mike suggested the board go behind 43 Highland Road as well on the site walk. Joe - it has been filled on left side of lot. Denis - suggested it be referred to Board of Health also since there may be an issue with the well. Mrs. Reed - the BOH couldn't find regulations re well when she had checked with them. Fill had been brought in last November and is going into the water where the well is. She had also checked with Building Inspector about the fill and he didn't say anything about the amount of fill that was brought in. Denis - the Building Inspector didn't think the bylaw about fill applied; Denis didn't agree. Mike - concerned with type of fill brought in that may affect aquifer that supplies well. Denis - it is a big issue if you are drinking the water from the well.

Denis will call Mr. D'Andrea for site walk at 8 a.m. on Saturday morning, March 29, 2014. Joe will see if he can find out if he has any paperwork on fill brought in to his property. Did Board of Selectmen issue permit for fill? Commission was under the impression a permit had been issued. Mr. Reed - no - he had been before the Board of Selectmen after it had been brought in. Mrs. Reed - dirt was brought in in November. Letter will be sent to Mr. D'Andrea.

**ANRAD, SE084-480, filed by Anderson Realty Trust, 123 Centre Avenue, Abington, to confirm the location and classification of wetland resource areas located at 123 Centre Avenue.** Brad Holmes, Environmental Consulting & Restoration, LLC, gave presentation, with Bob and Eric Anderson in attendance for Anderson Realty Trust. Reviewed resource areas. Coming off Centre Avenue moving south there are several buildings with pavement, gravel parking area down to Shumatuscacant River that borders site on western edge, and there are buildings and residences along eastern edge. They delineated inland banks of the river, 200' riverfront area associated with the river, very well-defined bank, very easy to see. They also delineated the bordering vegetated wetlands that are associated with the river. That wetland follows the general outline of the usability of site. There are some areas where there is vegetation, a wetland buffer to the stream. Associated with this BVW is the 100' buffer zone shown in yellow. They also located the buffer zone off the other edge because it's associated with the pond on the other side of the street. There is also bordering land subject to flooding, the 100 year flood plain, a FEMA elevation on the plan, designated by survey.

There is the inland bank with 200' riverfront, the bordering vegetated wetlands with 100' buffer, and the floodplain associated with the river. They have also located the edge of existing degraded area within the riverfront. The site is a previously developed degraded site before the riverfront regs. They aren't proposing any activity under this ANRAD. Almost all of the site except for a small piece is under the jurisdiction of the commission.

Jerry - haybales aren't in good condition now. Silt is down to the river and is going over the haybales. Location was pointed out. Brad - any activities on this site would be an improvement and stormwater would be included. Eric Anderson - there was sump pump put in basement to keep the water from degrading the structure. Mike - could they capture the water before it makes its way to the river? Brad - now that the weather is better, they will replace any

degraded haybales. Kathy - there is debris next to wetlands that needs to be removed. Glenn LaPointe - cleanup will be done in spring. Jerry - haybales should be replaced, conditions should be corrected to eliminate the erosion. Mike - can they capture water and slowly disburse it? Could be temporary to not wash out bank of the river. Brad - they will restore erosion controls under old order of conditions. Eric – they will fix pump and haybales.

Denis - did they have problems due to snow as far as delineating the wetlands? No. Brad – they also did soils to back up delineation and he had been familiar with site. They wanted to delineate it first and then see what they can do. Mr. Anderson - they want to clean it up and go from there, maybe fix up the buildings. Mike - would like to see this go forward; they did a good job cleaning up the demolition from the building that was taken down. Mr. Anderson - they could do walking path along the river.

Motion to accept the ANRAD made by Denis, seconded by Mike, unanimous.

Motion to accept **February 25, 2014 minutes** made by Kathy, seconded by Russ, 6 ayes, 1 abstention (Denis).

Motion to accept the **March 11, 2014 minutes** made by Mike, seconded by Bill, unanimous.

**Open Space update** - Denis gave update. OCPC thought it had been distributed at Town Hall, but it hadn't. Denis will call and get a copy.

Correspondence:

- DEP - #84-462 re appeal final decision.
- DEP - re wetland changes from 2008 to 2013.

#84-439 orders were checked for 221 Chestnut Street. Stockpiles were allowed temporarily on upland, and there silt fence was installed around it.

Question on 225 Brockton Avenue by owner to extend pavement. Board will find out more information.

Building permits - Jerry went out and checked on these.

Motion to close the meeting at 8:20 p.m. made by Jerry, seconded by Mike, unanimous

Respectfully submitted,

Nancy Hurst