

Conservation Commission
781-982-2100

Minutes
May 14, 2013
Buckley Room
7:00 p.m.

Members present: Denis Bergin, Kathy Creighton, Joe Feeney, Jerry Kelliher, Russ Forsythe
Absent: Bill Stone, Mike Noonan

7:00 p.m. **Re-organization** - nominations for Chair, Vice Chair and Treasurer were taken. Denis was nominated as Chair by Jerry, seconded by Kathy, unanimous. Denis accepted for a one- year term. Joe was nominated as Vice Chair by Kathy, seconded by Jerry, unanimous. Jerry nominated Kathy as Treasurer, seconded by Joe, unanimous.

Jerry and Joe were reappointed to the Commission for three year terms, to 2016. Russ was appointed as full voting member for three-year term to 2016, and Mike was appointed as full voting member to finish an unexpired term to 2014.

Continued hearing, #84-465, 0 Adams Street, Brendan Realty Trust. Al Trakimas – site walk was conducted on May 4th. Kathy - the Planning Board hearing has been continued to June 3rd and suggested this be continued till Planning review is finished. Kathy – re site walk, the applicant was not aware of a right of way on the property. Kathy suggested they ask the Water Dept. if there is any documentation on this right of way. There may have been trees taken out of wetlands area. Wants that clarified. There is a sedimentation forebay in that area. Planning is taking look at borings at 9 - water was at surface of boring, but not in wetlands. Kathy – how much fill will be brought in? Mass Highway – has access been figured in design? Al – that’s not a Conservation issue. It’s part of Planning Board review. Denis didn’t know if access and right of way were really purview of Conservation. Kathy - sediment forebay is in the 20’ right of way. Al Trakimas – they are back before Planning Board the beginning of June and drainage issues should be resolved then and would be agreeable to continue to June 11.

Motion by Kathy to continue to June 11, 2013 at 7:00 p.m., seconded by Russ, unanimous.

123 Centre Avenue Certificate of Emergency status. Kathy wondered if asbestos had been detected. We haven’t been notified. Part of building has collapsed, but there is a fence around the area. Letter should be sent that they come in with NOI for next meeting. Motion to allow Denis to send letter made by Kathy, seconded by Jerry, unanimous.

Open Space – Kathy would like to see a connection to the Air Base and MBTA. A rail trail was suggested by Joe. The Board would like to have Jim Watson of OCPC come back.

#84-466 NOI, James Kiernan & Catherine Murphy, to replace existing bridge over river and installation of fence n northern property line to river at 12 Temple Street.

Mr. Kiernan - there had been two bridges there previously. Has been there since he was a kid. Will turn in green cards later. This was built about month and a half ago. Provided photos – there is about 3 inches of water now flowing through the stream. Dimensions of bridge – 5' wide 24' long, with 5' square ramp – over all span is 14'. Water hasn't gone up at all, has gone down a little since it was built. Comes to within a foot of bank when it rises. This was his grandmother's house previously. Kathy – they should have come to board before building bridge. Wants a sketch with dimensions. Denis has gone out. It is a grassed field. Denis – is there impediment to stream? Is there alternative to bridge to get over to other side – no. Denis – thought it was clean construction – did a good job. There doesn't seem to be an impediment.

Joe – asked if building inspector had come out. No. Board wants to be sure it's safe.

Letter had been submitted by David Bernache in support of bridge, which was read.

Jim Dombrowski, 28 Temple Street – in 1986 there was complaint against the Kiernans and they were ordered to remove it. In 1990 a positive determination was issued. Flood elevations aren't shown. River does flood. The northwest quadrant of Schumatuscacant River flows through this area. This alters the stream bank. Showed photo from 1986 showing flooding during seasonal rain. It is constructed from pine logs. There has never been a permitted bridge on property and has not been brought into compliance. Mr. Kiernan's property extends to other side of stream.

Paul Gentile, 18 Temple Street - feels bridge is grandfathered on this property. Has never seen over-embankment on this property. Hasn't impaired properties there.

Kathy – they should look at FEMA Floodplain map to make sure it isn't in a flood zone. Would probably have to hire engineer to look at it. Jerry - if he has elevations already, it should be fairly simple.

Mrs. Powers, 227 Wyman Road – they were always told they couldn't put bridge over the stream. There is one at 221 Randolph Street also.

Jim Dombrowski - bank was created to put bridge on. It's going to wash out in 10 year storm. It has flooded over to his backyard. Feels it is in a flood zone. Has been in non-compliance since 1986. Property was sold and divided in 2005.

Applicant consented to continue the hearing to get elevations.

Motion by Kathy to continue to June 11, 2013 at 7 p.m., seconded by Jerry, unanimous. Mr. Kiernan asked about fence. Mr. Dombrowski – fence will open legal issues of lot line change and right of way.

Request for Determination, Abington Investments, 92 Progress Street - Jerry excused himself from this hearing. Russ Wheatley and John Cotter explained the river is across the street, which is actually a

drainage ditch. They are within 100' of BVW. Runoff will be intercepted by gutter going into Summer Street. There are wetlands to the rear, and the property slopes to the rear of property. They aren't impacting wetlands. Siltation fence is shown on plans. The drainage ditch goes along Progress Street; they were not sure if it's always wet. This is less than four-lot subdivision so project is exempt from storm water management.

Kathy - wanted to know if stream is perennial or not. Joe – there are catch basins on the street for the runoff. Denis – doesn't know if it matters. The road is there as barrier, and they are putting up siltation fence. They aren't altering the actual river. Russ Wheatley – it is a residential neighborhood and there was a house on property that burned. It is consistent with uses up and down street. They are replacing the house that was there with similar conditions.

Opened to floor:

Jim Dombrowski - if it shows on MassGIS, it is a perennial stream. Denis – looked it up and it didn't show up on MassGIS. It's not a river.

Board felt this doesn't alter resource area. Conditions – silt fence shown on plan to be incorporated. Motion by Kathy for negative determination with condition that silt fence shown on plan be incorporated, seconded Joe, unanimous.

NOI, Paul Crowley, 498 Linwood Street- green cards submitted, but no number has been issued yet. Russ Wheatley and John Cotter gave presentation – dwelling would be on a conforming lot. Pinebrook Consulting did flagging. Flagged wetlands are at 154. They are proposing siltation fence. Also proposing along either side of lot drainage depression on either side of house, which will direct runoff to west or rear of house, eventually entering wetlands as it does now. This will intercept runoff to rear and not to abutters on either side.

Board hasn't done a site walk yet. It is to south (left) of old homestead. They have been in front of ZBA due to FPWPD. Neighbors have water issues and want assurance that they won't be affected by the water table. Did test pit and water level is at 8' as of today. It will be a walk-out basement at rear, split ranch design. Won't be full foundation. Elevation above water table will be about 6'. They are proposing swales to not shed water onto neighbors' property. They have redirected water off house to rear of lot. Submitted plan showing limit of FEMA 100 year flood. Top of foundation is at 163.5 and doesn't intrude into water table. Surrounding properties have full foundations.

Opened to floor:

Rich Nigrelli, 340 Diane Circle – wants to see where water is going. He lives in back of the property. It floods behind the old homestead. Near stone wall there are wetlands. They are concerned about the whole property. Area is beautiful. Will disturb existing wetlands. Neighbors have water problems already. Drainage ditches may not work in ten years. Property behind Nigrelli is wetlands now.

Laurence Fritz, 372 Diane Circle – water bubbles up in his basement in late winter-early spring. The water table rises. Is concerned because he pumps water onto that lot now. He won't have any place to pump to. John Cotter – this will have minimum impact to wetlands. They are in the buffer zone. They

aren't going into wetland area. There are no endangered species in this area listed on the Estimated Habitat Map.

Connie Bithell, 362 Diane Circle – her yard is all muck now and has a pump. They have water with the least bit of rain. Her yard is lower than this property.

Paul Crowley - that is why they are putting in swales. Those foundations were put below the water table. He doesn't have control over the water on other people's property. Can only control the water on his property. They are diverting the water to wetlands, where it is going now. The neighbor's shouldn't be pumping on to his property. An abutter felt the test pit results would have been different if they had been done at another time.

Merilee Trenholm, 496 Linwood Street, at the old homestead – concerned about wildlife in the area that will be disturbed. Water is also one of their concerns. Board is welcome to come out there – it is soggy.

Russ Wheatley – understand comments, and they have done what they can not to harm them and their property. Previous mistakes were made on the abutting properties. Bottom of foundation is 159. Water table is 152. They have tried to address their issues.

Paul Crowley – site is 30 acres, 28 acres of that are wetlands – they can't touch that. The two lots in front are uplands and are buildable.

Denis – the question is will the wetlands change with more water going into wetlands. Paul - construction won't change water table.

Jim Dombrowski - were the soils classified? Is it seasonal or does it dry in summer? Dries in summer. Soils were just viewed and logged in. Kathy – Board needs to walk the property.

Susan Crowley, 544 Linwood Street - she lives in this neighborhood also. As far as the neighbors wanting the land left alone, the property was for sale a long time. Someone else could have bought it to keep it as open space and no one did that.

Hearing will be continued for DEP # and site walk. Motion by Kathy to continue to May 28th at 7:00 p.m., seconded by Russ, unanimous. Flagging is out there – the Board can go out when they want.

8:35 p.m. **Correspondence**

0 Hancock Street – requesting an amended order of conditions, to be scheduled for 5/28.
Nstar notice – Kathy excused herself - re herbicides and 5 year management plan. There is an exemption for this activity.

Minutes – April 23, 2013 – motion to approve made by Jerry, seconded by Russ, unanimous.

Building permits – Map 50, Lot 3A Chestnut Street; 8 Crossley Street; 304 Shaw Avenue; 2 Jennings Drive; 337 Washington Street.

Kathy – brought up 10' no-build zone – should board consider 15' or 20'? It is tight for vehicles. Will be discussed at a future date.

Joe – attended Route 18 widening meeting. They will be coming in with NOI.

Denis, Jerry and Russ attended DEP workshop conducted by Christine Odiaga on April 25th at Town Hall and found it to be very informative.

Motion to adjourn at 8:50 p.m. made by Kathy, seconded Jerry, unanimous.

Respectfully submitted,

Nancy Hurst