

Conservation Commission
781-982-2100

Minutes
May 28, 2013
Buckley Room
7:00 p.m.

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

Meeting is being videotaped for cable and Mrs. Powers is recording meeting.

7:07 p.m. NOI, 84-467, Paul Crowley, to construct a single family dwelling with site appurtenances within the 100' buffer zone of bordering vegetated wetlands at 498 Linwood Street. Kathy went out to site. It was very well vegetated. This doesn't have to follow stormwater management regs. because it's a single family. Beaver Brook is the resource area. Question of whether there would be more water in the resource area. Mr. Crowley is putting in swales along the side of the lot. Swales should slow water down. Mike – suggested no swales, leave it flat and put in dry well. Didn't know if swale would work. Stone wall is staying there. This won't be creating any more water, just changing the flow. Mike suggested building berm on the sides rather than swale to keep it from going on to the neighbors' property. Joe – felt they should keep it as described in plans by Wheatley Engineering.

Opened to floor:

Connie Bithell, 362 Diane Circle –her yard is lower and mucky, they get water. Board – most of her property abuts wetlands and the flood zone.

Rich Nigrelli, 340 Diane Circle - not a good idea for neighborhood. If they get flooded out, the Commission will hear from neighbors. What will happen when trees are cut down? This is a serious issue.

Mr. & Mrs. Fritz, 372 Diane Circle – abuts this property. Mr. Crowley had mentioned he was going to build the land up in the front for drainage. Joe – bottom of foundation is 2' higher than water table. Mike – you have to contain your own water on your own lot; their lot is higher than Crowley's. The Fritz's are at 159, Crowley is at 157. The stone wall is old, won't hold anything. Their water will flow into Crowley's. They are concerned with water table, water coming up through their foundation. Water will be displaced with construction. They have been pumping water for 40 years. Mike – they will still pump water, but he won't make it worse. Berms will contain the water to flow toward back of property. Denis – the Order of Conditions is recorded with the Registry of Deeds. Mrs. Fritz - if there are problems, whose responsibility will this be? Denis – the owner.

Matt Hannigan, 352 Diane Circle – lives next door to Connie Bithell. Won't it flood his property more with construction and clearing trees? If it doesn't work, where do they go, what is their recourse?

There was question as to whether it goes through Planning Board. Mike – engineer has stamped the plans. Mike Loin, Bertin Engineering – Planning Board doesn't look into stormwater management on single family homes. What is the appeal process? Appeal is filed with DEP. It can also be appealed to Superior Court.

Abutter, 352 Diane Circle - Why is he being given overrides on this? Why is he asking for special circumstances? Denis – wetlands were flagged by a wetlands engineer. He is not asking to build in the wetlands; he is asking to build within 100' of bordering vegetated wetlands, which is why this is before the Board. Kathy – it's a regulated area, not a restricted area. Denis – the commission's issue is whether this will change the wetlands.

Rich Nigrelli, 340 Diane Circle – worried about wetlands. Concerned it won't turn out right. Joe – he can't do anything within the wetlands area. If anyone saw him doing anything in that area, call the commission. The wetlands are usually outlined with numbered flags or ribbons.

Abutter, 352 Diane Circle - if there are problems, who do they go to? They could go to building inspector. If trees are cut, call the commission's office. Joe – they can't change conditions that are proposed.

Mike Loin, Bertin Engineering – the Board could require a covenant to notify future owners that there is wetlands plan on file; covenant is always there, recorded with title.

Closed to public and back to table. Motion by Kathy to accept the plans, with contractor building berm that contains water as described in plans dated 5/1/2013 by Russell Wheatley Co., seconded by Joe, with the following conditions: A1-6, B1,4,6,7, G1-7, H2,3,4,5,6,7,8,9, I-1,2a-f, J1, unanimous. Motion by Kathy to re-open and add 171-5A to Order, seconded by Russ, unanimous.

Open Space up date – Board would like to see more connections in town for trails with Airbase and Old Colony Rail, bike trails. Will contact Jim Watson to come to an upcoming meeting.

Request to amend Order of Conditions #84-464, 0 Hancock Street – Mike Loin, Bertin Engineering – they have gone through Planning Board. Only change is elevation in leaching field. Haybale lines haven't changed. This is just a change in piping system for septic system. Planning Board can't sign off until Conservation accepts these changes. Septic system was raised 4 inches. A pipe changed from 8 inches to 10 inches. Outside sloping hasn't changed. Septic system came up 4 inches. It is a minor change. Construction is in buffer zone. There is one crossing of an open culvert, but there is replication. It was filed as a limited project. Mike reviewed the plan since most of the board wasn't familiar with this project, basically the same set of plans, just minor change.

Opened to floor:

Paul Cordeiro, 1007 Hancock Street – asked if it was just the leaching field being raised. Yes.

Closed and back to board. Motion to amend 84-464 to include changes dated 04/01/2013 made by Mike, seconded by Jerry, unanimous.

Request to amend Order of Conditions #84-457, 109 Dale Street – continued for abutter notification.

Joe – brought up Warrant for Annual Town Meeting. Board can meet before Town Meeting on June 10th to review it, discuss setting up an article for revolving account for next Town Meeting.

Building permits – 1164 Washington Street, 445 Hancock Street, Lot 2 Savine Street, 1235 Bedford Street, 92 & 96 Progress Street, 1353 Washington Street

Motion to close at 8:55 p.m. made by Bill, seconded by Russ, unanimous

Respectfully submitted,

Nancy Hurst