

Conservation Commission
781-982-2100

Minutes
Conservation Commission
April 22, 2014
7:00 p.m.
Buckley Room

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

7:00 p.m. Old Business

Open Space update – nothing back yet from OCPC

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.
To be continued to next meeting May 13, 2014, 7 p.m.

Continued hearing, NOI, SE084-481, David Federico, 739 Greendale Avenue, Needham, for the construction of a single family home with appurtenances within the 100' buffer of a bordering vegetated wetland on Robbins Avenue. Letter submitted from the applicant requesting a continuation to the next meeting.

Motion by Mike to continue the hearing to May 13, 2014 at 7 p.m., seconded by Jerry, 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. Elliott Paturzo attended representing Mr. Vo. Based on site walk, they are proposing to plant on the banks of the pond sweet pepper bush, and 20 more trees – white pine and red maple in the area where they were cut down. At the site walk, it was suggested they chip brush and trees and put that down on the bank. Parking lot is being moved to right side of structure and continue around and have one way out around house. Mike - parking lot had been discussed at the site walk, so that it wouldn't be encroaching the pond. Elliott - proposing seven parking spaces, and it would be as close to the house as they can. Could be pervious material for parking lot. Board wondered how busy site would be. A conceptual plan for additional parking was submitted. They will have to go through Natural Heritage and Endangered Species Program and commission to see if additional parking is an option. Denis – how would pollutants be trapped? Elliott - they would be about 100' from pond. It has all been flagged. Board felt they should go to Planning Board re all the parking proposed on second sheet. Joe suggested it be

pitched towards the street and they put in a berm to the rear of the parking area on first sheet. Denis – parking on first sheet would be within the 200' of pond. Berm – could be concrete parking blocks. They will be put back in the area where trees were cut.

Opened to floor – no comments and back to table. Board was pleased with plan submitted tonight as a result of the site walk. There are fish in this pond.

Orders of Condition: A1(5'), 2,3,4,5,6, (using silt sock), B6, D3, D4, E1-7,9,10, F2, G1-4,6,7, H2,4,5, I1. Special conditions: There is to be a berm around parking lot with concrete stops. A silt sock is to be installed along work area. All debris is to be carried off from the area. The Board is to be notified when work is to be started and upon completion.

Kathy joined the meeting at 7:30 p.m. Had question on delineation. During the heavy rain, the water level in pond went up and most of stakes were under water. She felt the wetlands needed to be delineated at the high water mark. Kathy wanted it on the record that she was not in agreement with the definition of where the wetland actually ended. Dam is town owned; Board of Selectmen has control of it. There should be no trees around the dam. It should be kept clear. Kathy suggested Elliott verify pond size. They would have to go to Army Corps for next phase on page 2.

Motion to close the hearing made by Mike, seconded by Joe, unanimous. Motion to accept order made by Joe, seconded by Mike, 4 ayes, 1 abstention (Kathy).

NOI, Ingrid Johnson, 49 Susan Road, Brockton, for the construction of a single family home with site appurtenances within a bordering vegetated wetlands at 78 Crabtree Lane. No DEP # issued yet. Kathy thought this had come through as limited project for road. John Cotter attended with Russ Wheatley, Ingrid Johnson and builder Michael Hanson. They are proposing to construct single family dwelling on Lot 8, which contains 132,357 s.f. on south side of Crabtree Lane. Wetlands were delineated by Brooke Monroe of Pinebrooke Consulting. The flags start at the retaining wall and go from flags 1 thru 14. There is existing drainage ditch that runs from the northwest corner of the property. There are culverts that cross under Crabtree Lane and enter into this drainage ditch, and ditch flows across the property from the northwest corner to the southeast side of the property. Elevation of the lot runs from Crabtree Lane at high mark and goes to shallow slope at back of property into wetlands area. It is currently a vacant wooded lot.

Proposed house is to be located in front of lot. There had been a prior plan done when the subdivision was being developed. This is the same footprint from 2004 plans. House footprint is 62' x 34' with a 14' x 14' deck on the back. The house would face the cul de sac. There is a fill area of 1100 s.f. to stabilize backyard. With fill proposed they are proposing replication of 2265 s. .f. for 2:1 ratio for replication. They will depress area to match grade in the wetlands at 173 and up to bank of 174. The grade around the house would be raised, creating a drainage swale along easterly property line, so runoff from the house towards the Pantazelos property would get directed into the swale and be redirected to back of lot. Utilities will be municipal, there is sewer easement from McCue Circle. Water will come in from Crabtree. Underground utilities would

also come in from the street. Lot lies in FPWPD so they will have to go to ZBA for special permit. Swale will be about one foot deep running along the property line to back of property to newly developed wetlands area and out to back of lot 8. There is detention basin on the property to the left. There would be about 15' from this swale to detention basin. This is the last lot in subdivision.

Kathy – asked about FEMA flood zone. John - doesn't apply here. Outfall goes towards Lot 8. Drainage ditch is intermittent. Kathy requested replication plan for next meeting. Joe – how close is area to intermittent stream? John said they can adjust it – it's at 10' now. Siltation is shown on plans. Replication is on southeast. Denis – will replication area be able to handle overflow from detention basin? John – it is designed to run along the contours. It will still go towards the back of the lot. He is not creating a hole.

Opened to floor:

Mike Masison, 42 Crabtree Lane – there is detention basin on his property, gets $\frac{3}{4}$ full in spring and couple of inches in summer. It was only dry about once last summer. Drainage easement is about 20' across in the spring when it's raining. His concern is that he is at 171, 172, and if this is disrupted, is he going to end up with water in his yard or his basement? Walkout basement is at ground level. John – no – the depressed area is at 173. Mr. Masison – if they make a depression, won't that collect water? John – it will, but it will seek its path and follow contours to back of lot. Mr. Masison has no problem with Ms. Johnson building there, he just wants to protect his interests. John offered to go out and take another look at it. Ingrid would be happy to go out on a rainy day with him. Swale would be a foot deep and would be maintained by the property owners. Mike suggested a couple of plastic dry wells in the area of concern. Joe – bottom of replication area should be same depth as detention basin on other side. John went over the replication area process.

Gabe Pantazelos, 2 McCue Circle – had same concerns as Mr. Masison.

Joe – they will be filling in around the house – going up about 2' so foundation is out of the water table.

Motion to continue to May 13, 2014 made by Joe, seconded by Mike, unanimous.

Informal meeting with Scott Kristiansen, 510 Linwood Street - wants to put up above ground pool and extend backyard. Just wants to mow the lawn 25' from wetlands, not removing trees. Certificate of Compliance had already been issued on this property, #84-467. Wants to come out 25' and square off. Would be in buffer zone. Board referred to vista pruning. Doesn't require filing under regs. Mike – he just wants to improve the grass. No trees to be taken down – there aren't any there. Board's consensus is that he can go ahead.

Meeting re Enforcement Orders on 2 Harvard Street and 1212 Bedford Street with Vinnie D'Andrea.

1212 Bedford Street – Denis had gone out last summer, issued an enforcement order. There had been flooding on the Reed's property and fill had been brought in to Mr. D'Andrea's side. Mr. D'Andrea - It's 4' below grade, needs to be brought up to grade of existing property that was

there and Matt McPhail's property. Jerry – Mr. D'Andrea wants the Reeds to bring in fill to get rid of pond. Mr. D'Andrea – told the Reeds he would help them get rid of mosquito pits so it would slope towards street. He is not running a pipe across the property. Property needs to be brought up to grade and slope to the street. Drainage on Highland Road goes around and comes out behind Mr. Reed's property. Something needs to be done about that. That is where the water is coming now, not from Mr. D'Andrea. He doesn't want the Reeds' water going across his property. Joe – he purchased lots 81A and 81B in 2012. There has never been a NOI on that piece of property.

Kathy – is he representing Appletree Realty Trust – yes. He is not representing McPhail's properties, but brought in fill to both properties. Thought Mr. McPhail should be brought in for the next meeting (1200 Bedford Street). Water is interconnected – the connection goes down Highland Road, on to the property, off the property to another wetland. Joe – water comes down off Highland Road, down between properties and is all wet. It doesn't get all the way to the pipe, and the leftover water goes to the back of the property where there is a fill line. It has dammed up the water. Mr. D'Andrea – it needs to be corrected. Joe – the only way is if the water can flow underneath the property into the little pond. Mr. D'Andrea – the State is dealing with Matt McPhail now and sending out engineers to look at it so there will be no more water in the pond; Mr. McPhail is under state order not to do anything. Kathy – on DEP maps there are wetlands on the McPhail property, whether the pond is manmade or not. Mike – pond was there before Mr. McPhail or Mr. D'Andrea bought the properties. Mr. D'Andrea had engineer's report that said there was no 100' buffer zone. He originally bought the property in 2000. Jerry – checked and the commission doesn't have that record.

Denis – has to be determined if there is a resource area and wetland here and where is it. Mike – the board can't determine if there were wetlands there. The water flows downhill and has been blocked. The barriers were put up with permission. There is a stream that flows behind Mr. Reed's house that now flows into the ditch. He doesn't know what this board's jurisdiction is about what the board can do about the water problem. Kathy – is there a resource area there; is it a wetlands jurisdiction or not? It is her opinion that they are interconnected, there is water flow and there was a wetlands on the DEP map. There is no formal filing with the board, and there is a significant amount of fill that has been placed there. Normally there is a filing before the work is done.

Denis – there is a water distribution issue which comes under the Town's by-laws. Water is being blocked. House is below grade. Kathy – no net flow change is the issue. Mr. D'Andrea - water should be directed into system that exists or raise it up so it runs towards the street. There is no drainage on Highland Road. Kathy – there is a drainage system, but it's not a traditional street drainage system. Looking at pictures, the pond has gotten a lot smaller. Joe – 2012 property that was filled in in back of neighbor's lot has never gone through the board for NOI. There are wetlands in back that have been encroached upon and wetlands in front of pond which would have encroached on it also. Kathy – NOI should have been filed on whole property. Denis – they have an idea of the problem, but don't have a resolution. Enforcement order asked for a NOI which would offer a resolution.

Opened to floor:

Mr. Reed – if Mr. D’Andrea brought the property in 2012 and has paper work from before that, that doesn’t go together. If he put in jersey barriers directly on the property line and then filled in 4-5’ of dirt, and blocked the way the water normally went on McPhail property, he blocked an intermittent stream. He can’t help it if water is going through his property; it’s not just his water. The water has to keep flowing. He may have had permission to put jersey barriers beside the property, but not behind it. Denis didn’t know if the jersey barriers were the issue as much as the fill. Mr. Reed – he is blocking an intermittent stream.

William Vongbandith – Mr. D’Andrea can do anything. There aren’t wetlands because they have been filled in. He has talked to Building Inspector, Zoning Board, Conservation.

Mr. D’Andrea - there is no drainage on Highland Road. He put in catch basins on corner of Highland Road at his own expense to help Highland Road. Town refused to allow him to put in drain across from his building to that pond for water drainage. He went to the State, and was given a permit to put the drain in. The Town needs to take care of drainage. It’s not up to the citizens. Needs to be brought up to existing grade. He doesn’t want more water onto his property. Kathy – what is there now is excessive. There is a block; the commission is looking for Mr. D’Andrea to resolve it. Joe – board isn’t trying to be unreasonable. Mr. D’Andrea – his solution is to block off water at Mr. Reed’s property line where it comes down around his house and put some dirt there and channel it to McPhail’s property. Joe – then he would be doing the same thing Mr. D’Andrea is doing now. Mr. McPhail has system that he wants to put through. Mike – water flows downhill. It flowed into the pond previously. Needs to go there, not dam the water. There is a stream behind the two houses. Needs to get the water to go into pond. When the State comes in a couple of years, they will hopefully take responsibility. McPhail is under an order now from the state that he can’t do anything. Joe – can he run a pipe from the corner of property to end of street? Mr. D’Andrea – there are 12 properties on Route 18 that are under an order to repair their drainage from running onto Route 18. State is sending engineers to come down and look at it. Mr. McPhail can’t run a pipe into the pond at this point according to the state.

Kathy – there is no permit for dirt; it should be removed. There should either be a pipe or dirt removed. This meeting should be continued until all parties available, check with state. Matt McPhail should come in.

Denis – requested NOI for fill. Mr. D’Andrea – never got the enforcement order from the commission. He would like to be properly notified. Denis – there can be no activity while the enforcement order is in effect. Mr. D’Andrea – wants to screen the loam on the property and install a fence and will remove the double layer of barriers. Denis – that will require NOI. Enforcement order should go Raymond Nichols, Trustee, Appletree Realty Trust. There was confusion with enforcement orders due to Post Office leaving notification on one slip for both mailings which weren’t picked up. Mr. D’Andrea can’t pick up mail for Applebee Realty Trust, but can for Appletree Realty Trust. 1212 Bedford Street is Appletree Realty Trust, 2 Harvard Street is Applebee Realty Trust.

2 Harvard Street: Enforcement order listed fill had been brought in near wetlands. Mike – there are wetlands past his property, not encroaching. Mr. D’Andrea was told by Building Inspector he didn’t need to get permit for fill. Kathy suggested notifying the BOS that a large amount of fill had been brought on to the two properties, and the Selectmen can decide if the bylaw about 100 yards of fill is applicable. Didn’t think he had encroached on 2 Harvard Street, but where is 100’ buffer? Not under the board’s jurisdiction. Denis agreed, didn’t think there were wetlands that were being encroached upon when he had gone out there. Kathy questioned quality of fill brought on to property. A letter will go out to rescind the Enforcement Order on 2 Harvard Street. Should be mailed to Mr. D’Andrea at Appletree Realty Trust, P. O. Box 387, S. Weymouth, 02190.

William Vongbandith – cease and desist has been ignored. Lot is too small to build on. He has jersey barriers causing flooding on his property. Mr. D’Andrea - there is French drain there, encased in stone, . Mr. Vongbandith - land is at least 5’ higher now with fill that has been brought in. Mr. D’Andrea - he has use of paper road because of two lots on Harvard Street that he owns. Mr. Vongbandith – Mr. D’Andrea is not supposed to use Harvard Street. Mike – suggested he bring up complaints when Mr. D’Andrea goes before Planning Board. He is not in wetlands area now.

Motion to continue 1212 Bedford Street to May 13, 2014 at 7 p.m. made by Joe, seconded by Jerry, unanimous. Denis will send a letter to Matt McPhail informing him of the next meeting.

41 Wilbur Street – we don’t have a file on this property. Board had received a complaint that trees were being cut in wetlands. Letter will be sent out asking owner to come to next meeting, and board will check into this.

ID’s for board was discussed. Denis will contact Town Manager re photo ID’s. In the meantime, board members can get something from the Town Clerk.

Correspondence:

Glenn LaPointe notified board that haybales were being replaced at 123 Centre Avenue (84-470).

225 Brockton Avenue: Joe – there is a river that runs within 20’ of parking area. They are looking for another 20 parking spaces on their property through the BOS. They should file RDA.

Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Nancy Hurst