

**In The Matter Of:**

*Town of Stoneham Conservation Commission  
Notice of Intent by Weiss Farm Apartments, LLC*

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*Public Hearing  
May 7, 2015  
Re 170 Franklin Street*

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**DORIS O. WONG  
ASSOCIATES, INC.**

COURT REPORTERS

50 Franklin St., Boston, MA 02110  
Phone (617) 426-2432

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**Re 170 Franklin Street**

1

Volume I  
Pages 1 to 175

TOWN OF STONEHAM  
CONSERVATION COMMISSION

Public Hearing Re  
Notice of Intent by  
Weiss Farm Apartments, LLC  
With Regard to 170 Franklin Street

Commission Members Present:

Ellen McBride, Co-Chairman  
Megan Day  
Rachel Rennard  
Norman L'Esperance  
Eric Buckley  
Herlinda Saitz

Catherine Rooney, Secretary

Huggins & Witten, LLC (by Jonathan Witten, Esq.)  
156 Duck Hill Road, Duxbury, MA 02332,  
jon@hugginsandwitten.com, 781.934.0084,  
for the Board.

Cicatelli & Cicatelli (by Steven L. Cicatelli,  
Esq.) 266 Main Street, Stoneham, MA  
02180-3502, scicatelli@cicatelli.com,  
781.438.4060 - and -

Rackemann, Sawyer & Brewster (by Richard  
Gallogly, Esq.) 160 Federal Street, Boston,  
MA 02110, rgallogly@rackemann.com,  
617.542.2300 for the Applicant.

Held at:

Stoneham Town Hall  
35 Central Street  
Stoneham, Massachusetts  
Thursday, May 7, 2015  
7:17 p.m.

Alexander K. Loos  
Registered Merit Reporter

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

2

1 P R O C E E D I N G S

2 CO-CHAIR McBRIDE: Okay, folks. We're  
3 going to get started. Thank you for your patience.  
4 We had a few people who were stuck in traffic.

5 Bob Parsons, our co-chair, is not able to  
6 be here tonight; and I have some kind of plague, so  
7 I'm not going to be able to speak much, which I know  
8 most of you will think as a blessing. But anyway, I  
9 just wanted to do a quick recap.

10 I think, since the last meeting, we had a  
11 site visit on April 25th, I think it was. Thank you  
12 all, of you in the public, for coming out. It was  
13 pretty long, and thorough, and we'll be talking  
14 about that with Ingeborg.

15 I don't know if you've met the crowd yet,  
16 but this is Ingeborg, the wetlands scientist,  
17 specialist who we've hired to help us.

18 And, I'm sorry. I'm definitely fuzzy. I  
19 think we're going to -- first thing we need to do is  
20 I need a motion from this group to ask permission to  
21 sign a contract for Ingeborg to provide services to  
22 the Town. So can one of you make a motion to that.

23 MS. RENNARD: I make a motion to approve  
24 the signing of the contract for Ingeborg Hegemann,

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

3

1 for Ingeborg.

2 CO-CHAIR McBRIDE: Second?

3 MS. DAY: Second.

4 CO-CHAIR McBRIDE: All in favor?

5 (Chorus of ayes)

6 CO-CHAIR McBRIDE: And I suppose I should  
7 officially open the public meeting, public hearing  
8 for May 7th, Thursday night, 7:00 p.m., in Stoneham  
9 in the Town Hall for Weiss Farm, LLC.

10 And I just want to make sure -- so I think  
11 what we're going to do is, if you're okay with it,  
12 turn it over to Ingeborg and ask her for her  
13 comments on the site visit, what she learned. She  
14 may have some questions. We may ask the Applicant  
15 to make a presentation on some of the things that  
16 they have provided to the Committee -- I mean, the  
17 Commission, but so the public can hear.

18 MS. HEGEMANN: So my name is Ingeborg  
19 Hegemann. I'm with BSC Group, and I've just been  
20 retained to assist the Commission reviewing this  
21 Notice of Intent. I went on the site visit this  
22 past Saturday.

23 CO-CHAIR McBRIDE: Two.

24 MS. HEGEMANN: Two Saturdays ago.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

4

1           AUDIENCE MEMBER: We're not hearing. We  
2 can't hear.

3           AUDIENCE MEMBER: We can't hear nothing.

4           MS. HEGEMANN: Nothing? All right.

5           AUDIENCE MEMBER: Okay. Thanks.

6           MS. HEGEMANN: So how far back do I have to  
7 go?

8           AUDIENCE MEMBER: Hold the mic closer.

9           MS. HEGEMANN: So I don't have any  
10 significant conclusions yet on what was filed. A  
11 lot of new information was filed this week, so I'm  
12 hoping to work with the Town's peer review engineer  
13 to review some of the new data that was submitted.  
14 I got a lot of the information from the Town  
15 Engineer with respect to the drainage systems on the  
16 streets tributary to Weiss Farm and the streets down  
17 gradient of Weiss Farm. I looked at some historical  
18 data, all available on public information. And so  
19 at this point I'm basically open to the new  
20 information that's been submitted.

21           CO-CHAIR McBRIDE: And you mean, just for  
22 the record, submitted by Corcoran Group.

23           MS. HEGEMANN: Thank you.

24           Submitted by the Applicant and their

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

5

1 representatives.

2 So that's really it. I don't have any  
3 definitive conclusions at this time.

4 CO-CHAIR McBRIDE: And Bob Griffin, who is  
5 the peer reviewer that the Town has hired, is not  
6 here tonight because he's still going over some of  
7 the information that was recently submitted by  
8 Corcoran, so it was -- probably better served his  
9 time to be reviewing that than to be here for  
10 tonight.

11 I think you have a mic right there if you  
12 want it.

13 MR. WITTEN: Good evening, members of the  
14 Commission.

15 Madam Chairperson, it might be prudent at  
16 this point in time perhaps to let the Applicant  
17 explain, for the record, what -- the new materials  
18 they've submitted this week -- Ms. Hegemann referred  
19 to that -- and if they have a presentation to make  
20 on those new materials, and that would then allow  
21 the Commission to ask questions and allow  
22 Ms. Hegemann to ask questions, if there are any, on  
23 the new materials.

24 CO-CHAIR McBRIDE: Are you folks ready for

Public Hearing - May 7, 2015  
Re 170 Franklin Street

6

1 that?

2 MR. MAHONEY: Yes, we will.

3 Just -- so we submitted two things. We  
4 submitted -- I think last Friday, Jim -- we  
5 submitted a response to Mr. Griffin's --

6 CO-CHAIR McBRIDE: You might want to pull  
7 that closer.

8 MR. MAHONEY: Closer.

9 We submitted the response to Mr. Griffin's  
10 last response to our review comments, and then just  
11 today we submitted a watershed study, which the  
12 Commission asked us to look into at the last  
13 hearing. So Jim White can kind of summarize those  
14 two -- two reports, and I'll be happy to respond to  
15 questions.

16 CO-CHAIR McBRIDE: Okay. Thanks.

17 MS. DAY: What was the second piece?

18 MR. MAHONEY: A watershed study.

19 MS. DAY: Thank you.

20 CO-CHAIR McBRIDE: Which, just for the  
21 record, we just got tonight.

22 MR. MAHONEY: Correct.

23 MR. WHITE: Good evening.

24 As Peter mentioned, we responded to

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

7

1 Mr. Griffin's comments on our plans, his most recent  
2 comments. Since our last hearing, since we received  
3 comments from Mr. Griffin, we went out and performed  
4 additional soil testing, including installation of  
5 observation wells in each of the infiltration  
6 systems, and we modified one of the infiltration  
7 systems as a result of that testing, we made a  
8 slight modification to it, and it's shown on the  
9 most recent plans.

10 CO-CHAIR McBRIDE: Can I ask you to move  
11 the mic closer because I'm having a hard time  
12 hearing.

13 MR. WHITE: Sure.

14 CO-CHAIR McBRIDE: Thanks.

15 MR. WHITE: There it goes.

16 So we hope to have satisfactorily addressed  
17 all of Mr. Griffin's comments. We -- you know, we  
18 thought we -- we think we have, but it's up to  
19 Mr. Griffin to take that review and see if we've  
20 responded to them. I believe we did everything he  
21 asked for in his previous comments.

22 We submitted, as you mentioned today, a  
23 watershed study, that was requested by the  
24 Commission at the last hearing. And if you would

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

8

1 like, I'll just go over some brief highlights of  
2 that watershed study.

3 CO-CHAIR McBRIDE: Sure.

4 Do you have any questions about the -- I'm  
5 just curious about what goes into a watershed study,  
6 what was it that you did?

7 MR. WHITE: I think the concern was that  
8 the amount of flooding in the southeasterly corner  
9 of Weiss Farm and Sunset Road area has increased  
10 over the recent years -- at least that's what the  
11 understanding was. And so my intent for the  
12 watershed study is to look at what's the size of the  
13 watershed in going back through historical records  
14 and historical pictures to see what has been going  
15 on with that watershed over the past 50, 60 years,  
16 to see if there is a reason why the water has  
17 increased, or flooding has increased in the area.

18 CO-CHAIR McBRIDE: So does that mean that  
19 you walked the Sunset Road area and Rustic, up to  
20 Gerald, that off the site? Or did you look at maps?

21 MR. WHITE: We looked at maps. We also  
22 walked the entire wetland in the rear of the site,  
23 the Weiss Farm site, to determine -- one of the  
24 major items is how much of the water went to the

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

9

1 36-inch culvert near Dunkin' -- I think it was  
2 Dunkin' Donuts, versus how much water went to the  
3 Weiss Farm culvert in the past.

4 CO-CHAIR McBRIDE: I stand corrected. Bob  
5 Griffin is here. He must have been stuck in the  
6 same traffic.

7 MR. WHITE: If you want, I'll start from  
8 the beginning and go over just quickly what we found  
9 in the report. And when you have your time, you can  
10 read it. As I said, I'll keep this really brief and  
11 just basically an outline of the report.

12 CO-CHAIR McBRIDE: So did you do your study  
13 on the same day as the site visit, or did you do it  
14 separate from that? I'm just curious.

15 MR. WHITE: We had separate days.

16 CO-CHAIR McBRIDE: Okay.

17 MR. WHITE: We looked at the site visit,  
18 but we were also out there other times. We've been  
19 out there several times.

20 CO-CHAIR McBRIDE: Go ahead. If you want  
21 to share what you have, please.

22 MR. WHITE: The watershed area north of  
23 Franklin Street is approximately 250 acres. Weiss  
24 Farm is approximately 25 acres, about ten percent of

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

10

1 that watershed, and is in the downstream area of  
2 that watershed. So most of the watershed water  
3 flows either through Weiss Farm or through the  
4 culvert about 1200 feet west of Weiss Farm.

5 I know at the last hearing there was  
6 questions -- I forget last meeting or the site  
7 walk -- about North Meeting House Brook. North  
8 Meeting House Brook, which shows on the plan, 1935  
9 plan, the head waters is near Spring Street, and it  
10 meanders in a southerly direction through some  
11 channels. And if you look the report, it has in  
12 there, and runs through the 36-inch culvert located  
13 approximately 1200 feet west of Weiss Farm into a  
14 channel and now -- it goes under the school  
15 property, what's now the school property, and  
16 discharges in a pipe on the south side of the school  
17 property. So that was the original North Meeting  
18 House Brook.

19 The plan indicates -- I think the plan's up  
20 on the screen.

21 Franklin, if you look at the north arrow --  
22 north arrow is sort of to the left and down -- the  
23 red dot's on Franklin Street.

24 CO-CHAIR McBRIDE: Can I ask a favor? Can

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

11

1 you show us Franklin Street? Is that what you were  
2 just saying?

3 MR. WHITE: The red dot is on Franklin  
4 Street.

5 CO-CHAIR McBRIDE: Okay.

6 MR. WHITE: That's the 36-inch culvert near  
7 Dunkin' Donuts where the red dot is now. If you go  
8 to the south, where the red dot is now, you  
9 eventually get to the high school and a culvert  
10 going next to the high school.

11 CO-CHAIR McBRIDE: So where is Weiss? Can  
12 you point to Weiss on that?

13 MR. WHITE: And Weiss Farm is up on the  
14 drawing. You see "Samuel Weiss" up there, and  
15 that's the Weiss Farm.

16 CO-CHAIR McBRIDE: And now can you follow  
17 North Meeting House Brook?

18 MR. WHITE: Okay. Now Meeting House Brook.

19 If you start at the culvert and work your  
20 way to the left and we'll follow the dot, it goes  
21 up, up and then over and down a little bit and then  
22 over, and that's near Spring Street. Next to Spring  
23 Lane -- Spring Lane, and that's the wetland area  
24 that was, back in 1935, the start of the brook, and

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

12

1 that's -- where the circle is now, part of the large  
2 wetland area that's out there.

3 CO-CHAIR McBRIDE: Say this one more time.

4 MR. WHITE: As you know, there is a large  
5 wetland out there, and this mainly shows channels,  
6 manmade channels through that wetland as part of the  
7 brook.

8 CO-CHAIR McBRIDE: So did you see evidence  
9 in your review of a former westerly flow that is no  
10 longer flowing?

11 MR. WHITE: This plan shows cross  
12 connections from the Weiss Farm property to the  
13 brook in that location. I think there is two  
14 locations where this shows.

15 So at least -- you know, this plan doesn't  
16 show the easterly portion of the Weiss Farm. It  
17 shows the westerly portion, but at least we know the  
18 westerly portion of Weiss Farm at that time looked  
19 like it drained to the brook.

20 CO-CHAIR McBRIDE: So it looked like it  
21 drained west?

22 MR. WHITE: That's correct.

23 CO-CHAIR McBRIDE: And what did you find  
24 today, currently?

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

13

1           MR. WHITE: Today, based on our review, we  
2 took a walk out there. Dennis actually took the  
3 walk. And, you know, there are remains of through  
4 channels out there. Most of the channels have  
5 vegetated, you know, since this was done in 1935.  
6 There is a lot of vegetation, a lot of debris.  
7 There has been some filling going on near Town Brook  
8 that's off the Weiss Farm property, and water is  
9 relatively stagnant there, but it would have a  
10 difficult time flowing in a westerly direction  
11 because of the debris, the vegetation growing and so  
12 on.

13           CO-CHAIR McBRIDE: Who did the filling?

14           MR. WHITE: I don't know who did the  
15 filling.

16           CO-CHAIR McBRIDE: Was that filling on  
17 Weiss Farm property?

18           MR. WHITE: No, it's not.

19           CO-CHAIR McBRIDE: What property is it on?

20           MR. WHITE: It's west of it. You can see  
21 in the -- you can see on the photos that I've  
22 submitted where --

23           MR. MAHONEY: You can't see it here.

24           MR. WHITE: You can see the channel that

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

14

1 was relocated.

2 MR. LOWRY: Just very quickly. Dennis  
3 Lowry, for the record.

4 So this is the area that historical records  
5 show appears to have been filled back sometime in  
6 the mid '70s, so that this ditch that you see run  
7 around in this position here originally cut right  
8 straight through to join this ditch here, and the  
9 water now flows around here. So this -- these dark  
10 areas up in here are water. This is -- these are  
11 ditched areas that previously corresponded to what  
12 Meeting House Brook, or North Meeting House Brook  
13 show on the original plan, the survey plan that Jim  
14 was showing you before.

15 CO-CHAIR McBRIDE: So --

16 MR. LOWRY: But, I mean, essentially it's  
17 extremely stagnant and there is no evidence of flow  
18 through any of these ditches, just as there is no  
19 evidence of flow, you know, in the ditches back on  
20 the Weiss property itself. Because it's so flat,  
21 essentially the water has to build up head before  
22 water can start to flow in either direction. But  
23 there is very little gradient between where the pump  
24 house is and the culvert that goes under Franklin

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

15

1 Street, and the culvert that's down by -- by Dunkin'  
2 Donuts as we're referring to, or the day care  
3 center. It's extremely flat all the way through  
4 here, you know, and depending upon the conditions,  
5 water could flow in either direction. It's also  
6 quite evident that the ditches in both directions  
7 are filled with sediment and, you know, don't convey  
8 flow in a manner that they would have done when they  
9 were first ditched and maintained as such.

10 CO-CHAIR McBRIDE: So when the ditches were  
11 first dug, were they dug at some sort of an incline  
12 or angle that would allow for flow? Or were they  
13 dug flat?

14 MR. LOWRY: Well, simply just digging  
15 ditches does aid in the conveyance of water through  
16 that ditch, so I -- you can't really create grade  
17 when there is no grade to create because the system  
18 is so flat.

19 CO-CHAIR McBRIDE: So that's not a new  
20 situation, then?

21 MR. LOWRY: It's not new. I think any time  
22 you go through and you clean out the sediment, you  
23 help in the conveyance, especially during flood flow  
24 conditions, you know. But it still has to build up

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

16

1 enough head to convey itself through the system and  
2 through the culverts that are down gradient under  
3 Franklin Street and to the south of Franklin Street.  
4 The conveyance of flow south of Franklin Street also  
5 affects the conveyance of flow off of the areas  
6 west, or on this side of Franklin Street, on the  
7 north side.

8 CO-CHAIR McBRIDE: And so just -- the  
9 yellow line, the yellow line on this map, is the  
10 limit of your project? Or is that the boundary of  
11 Weiss Farm?

12 MR. WHITE: That's the property line.

13 CO-CHAIR McBRIDE: So that's the Weiss Farm  
14 property line?

15 MR. LOWRY: So that would be the 25 acre  
16 area that Jim is referring to.

17 CO-CHAIR McBRIDE: So the two ditches that  
18 you're talking about that are south -- or, I guess,  
19 west of that yellow line --

20 MR. LOWRY: Right.

21 CO-CHAIR McBRIDE: -- are those formerly  
22 Weiss Farm ditches?

23 MR. CICATELLI: It's private property,  
24 Madam Chairman.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

17

1           CO-CHAIR McBRIDE: I didn't finish asking  
2 my question, Steven.

3           MR. CICATELLI: I'm sorry.

4           CO-CHAIR McBRIDE: Were they formerly Weiss  
5 Farm ditches?

6           MR. CICATELLI: They were not part of the  
7 property, no.

8           CO-CHAIR McBRIDE: So somebody dug ditches,  
9 even though they weren't a farm; is that right? Why  
10 would someone dig ditches?

11          MR. LOWRY: I mean, ditches were commonly  
12 dug in this area back in this 1930s during the CCC.  
13 It was --

14          CO-CHAIR McBRIDE: For what reason?

15          MR. LOWRY: The Civilian Conservation  
16 Corps.

17          CO-CHAIR McBRIDE: I'm saying for what  
18 reason?

19          MR. LOWRY: To help with conveyance.

20          CO-CHAIR McBRIDE: Okay.

21          MR. LOWRY: To move water through the  
22 system to perhaps reduce mosquito conditions.  
23 Basically an attempt to drain swamps.

24          CO-CHAIR McBRIDE: So who owns that

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

18

1 property now?

2 MR. LOWRY: I don't know.

3 MR. MAHONEY: I'm not sure we have the  
4 answer to that. We could get that.

5 CO-CHAIR McBRIDE: Do you know the number  
6 of Franklin Street?

7 MR. CICATELLI: I believe it might be one  
8 or two of the houses right across from the condos or  
9 the beginning entrance to the high school. I  
10 believe it's a private residence. I'm not sure how  
11 far the lot goes back. We can get that information  
12 for you, Madam Chairman.

13 CO-CHAIR McBRIDE: I'm just curious about  
14 if they've been filling or, you know, what's going  
15 on there? It's just questions.

16 MR. LOWRY: I mean, the ditch runs right  
17 around the limits of the Arbor Village is the --  
18 is -- the Arbors, the senior housing facility there.  
19 So the last leg of that ditch before Franklin Street  
20 runs around the north and then west side of the  
21 Arbors.

22 CO-CHAIR McBRIDE: And that's considered a  
23 ditch; that's not considered North Meeting House  
24 Brook?

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

19

1           MR. LOWRY: That would be part of what  
2 we're now calling North Meeting House Brook, yes.

3           CO-CHAIR McBRIDE: Which is it, a ditch or  
4 North Meeting House Brook?

5           MR. LOWRY: Well, it's a ditched section of  
6 North Meeting House Brook, historically ditched.

7           CO-CHAIR McBRIDE: So the part that runs  
8 under Franklin Street between KinderCare and the  
9 assisted living facility --

10          MR. LOWRY: Yes.

11          CO-CHAIR McBRIDE: -- is North Meeting  
12 House Brook and the part that's in the back is a  
13 ditch?

14          MR. LOWRY: It's all what's shown on that  
15 old survey, 1930 survey, as North Meeting House  
16 Brook. So it was in place back at that date and  
17 likely maintained or augmented by man's ditching of  
18 the brook to attempt to convey flow. So it goes  
19 back to at least the 1930s.

20          CO-CHAIR McBRIDE: So at what point does a  
21 manmade ditch that has augmented a stream become a  
22 stream?

23          MR. LOWRY: Oh, in our opinion -- in my  
24 opinion, it's classified as a stream, as land

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

20

1 underwater, under the Wetlands Protection Act. It  
2 would be a regulated resource area.

3 CO-CHAIR McBRIDE: So what would the ditch  
4 that is at the northwest -- or for lack of -- the  
5 back section of Weiss? Would you consider that a  
6 stream?

7 MR. LOWRY: I would consider that an  
8 intermittent stream and was determined such in the  
9 ORAD that was issued a couple of years ago.

10 CO-CHAIR McBRIDE: Okay.

11 MS. HEGEMANN: First, did you finish your  
12 presentation on the subject?

13 MR. WHITE: No. I just wanted --

14 CO-CHAIR McBRIDE: You can go on.

15 MR. WHITE: I have a few more points.

16 I'm just trying to give a little history  
17 behind everything and see what's gone on there. An  
18 awful lot as gone on in the past 50, 60 years.

19 In the 1950s Franklin Street was  
20 reconstructed. At that time it was -- a culvert was  
21 put in at the low point adjacent to Weiss Farm. The  
22 culvert's probably maybe the same culvert that's  
23 there today. It was put in -- the culvert was put  
24 in too high, which caused flooding on the farm. If

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

21

1 you look at the elevation of the culvert, they're  
2 actually very close to the elevations of the fields  
3 and -- of the wetland area and the fields in that  
4 location. But in order for the water to flow  
5 through the culvert, water has to build up and build  
6 head, and therefore the fields are flooded. You  
7 know, the water would go up the culvert, back. --  
8 since the area is so flat, it would back up and  
9 water would flood the fields.

10 So at that time the Weiss Farm built a pump  
11 station and dug ditches, or someone dug ditches, in  
12 order to drain their fields better in the spring so  
13 the fields could be useable.

14 CO-CHAIR McBRIDE: I'm sorry. What year  
15 was this?

16 MR. WHITE: This was back in the 1950s.

17 CO-CHAIR McBRIDE: Okay.

18 MR. WHITE: Moving on to 19 -- early 1960s,  
19 work began on the Sunset Road area, and culverts  
20 were built downstream of the Franklin Street  
21 culvert. At that time flooding and water problems  
22 were reported to the city. The city blamed the  
23 developer for that work. I believe the developer  
24 went back and changed the culvert. Initially the

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

22

1 culvert was very small and it was up high, so I  
2 believe that was changed after that. I don't know  
3 if the elevation was corrected or not.

4 CO-CHAIR McBRIDE: Is there any way for us  
5 to get that information? I just -- I'm not trying  
6 to be hard. It's just you said "I believe."

7 MR. WHITE: Yes. They certainly replaced  
8 the culvert, because the culvert is bigger than was  
9 put back in the 1960s.

10 CO-CHAIR McBRIDE: Certainly I think our  
11 town would have records.

12 MR. CICATELLI: The Town Engineer, Madam  
13 Chairman, or the planning board might have that  
14 information.

15 CO-CHAIR McBRIDE: Can we ask you guys to  
16 look into that?

17 MR. WHITE: Yeah. We can look into that.

18 I'm just pointing that out just for the  
19 history part of this.

20 Also, back -- if you look at the old  
21 photos, photographs in the report, the northern part  
22 of the watershed really wasn't developed much before  
23 1969. It was farms and so on.

24 CO-CHAIR McBRIDE: Can you give reference

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

23

1 to what the northern part is?

2 MR. WHITE: The northern part of the  
3 watershed.

4 CO-CHAIR McBRIDE: What streets now exist?

5 MR. WHITE: I have them in the report. I  
6 don't know all the streets in the area.

7 CO-CHAIR McBRIDE: So it's probably --

8 MR. WHITE: These are the subdivisions off  
9 Spring Street.

10 CO-CHAIR McBRIDE: So all the dead-ends,  
11 Tamarock, Beacon.

12 MR. WHITE: That area was developed --

13 MR. LOWRY: He's talking about this area  
14 here.

15 CO-CHAIR McBRIDE: You can't see the  
16 streets.

17 MR. WHITE: Whenever you develop, you have  
18 pavement and impervious area, increase the rate of  
19 runoff. Back when most of these were done, no one  
20 looked at runoff that much and there was no  
21 mitigation done. So the rate of -- it was  
22 developed, there was no mitigation. The water, they  
23 figured, just ran into the wetland area. So this  
24 increased the water -- this was one of the items.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

24

1 This increased the water going into the area.

2 CO-CHAIR McBRIDE: When you say no  
3 mediation, you mean no infiltration pumps, systems,  
4 just the wetlands.

5 MR. WHITE: Well, in '69, 1969, no one was  
6 building detention basins, the '70s.

7 CO-CHAIR McBRIDE: So it just ran.

8 MR. WHITE: It just ran off.

9 CO-CHAIR McBRIDE: Okay.

10 MR. WHITE: It just impacted the wetland.  
11 It caused more water to go to the wetland area.

12 In 2000 Franklin Street was reconstructed  
13 again by the state. They put an additional seven  
14 catch basins on Franklin Street that are connected  
15 to the culvert, and they did not replace the  
16 culvert. So this was quite a bit of additional flow  
17 going into the culvert -- this is the culvert near  
18 Weiss Farm -- that wasn't there previously.

19 CO-CHAIR McBRIDE: The state of  
20 Massachusetts did that?

21 MR. WHITE: I believe it was Mass. Highway  
22 did that contract, in the early 2000s.

23 CO-CHAIR McBRIDE: Okay.

24 MR. WHITE: Based on this -- even when we

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

25

1 went to the site walk, saw the drainage channel just  
2 downstream of the Franklin Street culvert was no --  
3 heavily -- there was road sand; there was  
4 vegetation; there was wind debris. It was pretty  
5 much just all grown over, which restricts conveyance  
6 or flow through that channel.

7           However, one of the major items that could  
8 have been pointed out from that site walk was the  
9 Sunset Road culvert was half full of water. This is  
10 is a major-size pipe -- I believe it was a 24-inch  
11 pipe. If you have a 24-inch pipe half full of  
12 water, water should be rushing through that pipe.  
13 We saw very little movement. The Sunset Road  
14 culvert and Franklin culvert are almost exactly the  
15 same elevation, and when you get water back -- you  
16 know, the water is not flowing through the Sunset  
17 Road culvert, it's going to back up water to  
18 Franklin Street. And when it all backs up to  
19 Franklin Street, it submerges the Franklin Street  
20 culvert and limits the flow through that culvert,  
21 and that just backs up water then on the north side  
22 of Franklin Street in the Weiss Farm area.

23           So water in the Weiss Farm basically  
24 hanging out because the Sunset Road culvert probably

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

26

1 isn't functioning properly.

2 CO-CHAIR McBRIDE: If the pump at Weiss  
3 Farm was functioning or running more consistently,  
4 would it help force the water down?

5 MR. WHITE: Okay. I'll get to that.

6 CO-CHAIR McBRIDE: I'm sorry. Okay.

7 MR. WHITE: Weiss -- the farm, Weiss Farm,  
8 pumps up to a trough, and it flows by gravity  
9 through the culvert. However, when the culvert is  
10 submerged, like we saw it, pumping does no good. It  
11 just mixes water up. It doesn't force water down  
12 the culvert.

13 If the water is up on the downhill side of  
14 Franklin, if the water is high, you can't pump. It  
15 won't do much good. If it does, if it's under  
16 conditions like we saw it on the site walk, we're  
17 going to cause more flooding downstream properties.  
18 Right now it acts as a large detention basin. So if  
19 the Sunset Road culvert backs up, you get a large  
20 detention system backing up toward Franklin Street.  
21 If we start pumping more water, all you're going to  
22 do is fill up the area by Sunset Road and cause  
23 additional flooding.

24 So we can -- I would recommend improving

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

27

1 the pump station, but on situations like we saw on  
2 the site walk, that wouldn't help that situation.  
3 But if we could do other things maybe we won't have  
4 that situation again and maybe improving the pump  
5 station will significantly help flooding in the  
6 area.

7 CO-CHAIR McBRIDE: What are the other  
8 things you would suggest?

9 MR. WHITE: What are the other items I  
10 would suggest?

11 CO-CHAIR McBRIDE: You said improve the  
12 pump station along with other things.

13 MR. WHITE: Sure.

14 Clean out the Sunset Road culvert is a  
15 major item. I think that would -- that's one of  
16 the -- that's the first thing that has to be done.  
17 Nothing else helps unless you clean that culvert  
18 out.

19 CO-CHAIR McBRIDE: Was that the culvert  
20 that was behind Mr. Bennett's house that we could  
21 barely see?

22 MR. WHITE: Yes, that's correct.

23 Improve the pump station. I did issue a  
24 pump station report recommendations.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

28

1           If anyone saw how the pump works now, it  
2 pumps up water to a trough. Some of the water  
3 gushes out, some flows through the culvert. There  
4 is much better ways of doing it.

5           CO-CHAIR McBRIDE: When we were there  
6 Saturday at the site visit, what I observed was the  
7 pump was running but the water was just going right  
8 back on the Weiss Farm.

9           MR. WHITE: Right.

10          CO-CHAIR McBRIDE: It looked like there was  
11 two panels that should have been inserted that, to  
12 my limited engineering mind, would have forced the  
13 water on to Franklin.

14          MR. WHITE: As I mentioned, if the  
15 downstream end is submerged, you're not going to  
16 force water through culvert with the pump.

17          CO-CHAIR McBRIDE: But if you keep pumping  
18 it on to Weiss, it's going to keep flooding all the  
19 people up there.

20          MR. WHITE: Right. But if we can fix the  
21 downstream situation, so the downstream end of the  
22 culvert is open, then we can start pumping and then  
23 things will improve.

24          CO-CHAIR McBRIDE: Okay.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

29

1           MR. WHITE: So I suggested various items.  
2 I mean, the pump station is very old and it hasn't  
3 been worked on, you know, updated. I -- I would  
4 like to see a new control panel in there, new fuse  
5 box, not in the pump station itself, outside on a  
6 panel board so it's accessible.

7           I don't if any of you looked in there. You  
8 couldn't walk in there to service those at the time  
9 of our site walk visit, because there was all the  
10 water in it. So in a place that is accessible next  
11 to the pump station. You improve the trough on both  
12 sides. So the trough you saw, raise the walls on  
13 that, so you get an efficient flow of water through  
14 the pipe. That would be an improvement.

15           The other improvement I would really like  
16 to see is the -- we all saw the weir dam that was  
17 installed -- I believe was installed about five,  
18 six years ago, and I would like to see that  
19 improved. It has -- one end has settled. We had  
20 some wash out at one end. The wood weir was in poor  
21 condition. I think if we can repair that, keep more  
22 water back in the wetlands and less water flowing  
23 through Franklin Street, I think that would also be  
24 a great improvement out there.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

30

1 CO-CHAIR McBRIDE: Would you also recommend  
2 dredging the ditches, especially between the weir  
3 and the pump where it looks like -- on the site  
4 visit it looked like -- I'm sorry -- there was a lot  
5 of farm debris dumped -- you know, it almost  
6 appeared to be pushed into that section of the --  
7 the farm. And I don't know if that's the case or if  
8 it was just over the years drained in there from  
9 rain storms or the pump circulating, but it seems to  
10 me cleaning that out would allow more flow, also. I  
11 don't know if that was a recommendation you had.

12 MR. WHITE: Yeah. It wasn't one of my  
13 recommendations. It is certainly something that  
14 can be done. I think increasing volume in that  
15 area, it's always good to increase volume, but it's  
16 a small percentage of the total volume. So you  
17 won't get a big payback on it, but that's certainly  
18 something that could be considered.

19 CO-CHAIR McBRIDE: You don't think there  
20 would be a big payback dredging between that weir  
21 and the pump? I'm trying to clarify. Is that's  
22 what you just said?

23 MR. WHITE: Yeah. I don't think you get a  
24 big payback from doing that.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

31

1 CO-CHAIR McBRIDE: Okay.

2 MR. WHITE: And that's the report.

3 CO-CHAIR McBRIDE: Would there be any  
4 recommendation to allow the ditches to drain by  
5 gravity rather than a pump?

6 No? Okay. So there would be no way to  
7 improve that or make that possible so that it would  
8 just --

9 MR. WHITE: Well, historically that's  
10 basically -- well, since they put that culvert in  
11 1950, they put the culvert about the same elevation  
12 as the fields, as I mentioned. But the area is so  
13 flat going back for hundreds of feet --

14 CO-CHAIR McBRIDE: It's a bowl.

15 MR. WHITE: -- that area is going to be  
16 constantly full of water.

17 CO-CHAIR McBRIDE: Okay. Now are you all  
18 through now?

19 MR. WHITE: Yes.

20 CO-CHAIR McBRIDE: Thanks.

21 Ingeborg, do you want to ask some --

22 MS. HEGEMANN: Yes.

23 CO-CHAIR McBRIDE: Okay.

24 MS. HEGEMANN: Thank you.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

32

1 I have a couple of questions.

2 In your study you compiled a certain amount  
3 of information up to a certain date. You didn't go  
4 past 2001 on your historical photos. So three  
5 questions, I think:

6 You also included a plan dated April 30th  
7 that shows Franklin Street drainage culvert with  
8 inverted elevations and grades -- not grades, but  
9 the catch basins the in berth, all that.

10 Was that based on recent data that you just  
11 collected by field survey?

12 MR. WHITE: Yes. That was part of the  
13 pumps -- I also included that sketch on the pump  
14 station, and that information is also on the site  
15 plans we submitted. I blew it up to a bigger scale  
16 so it's easier to read.

17 MS. HEGEMANN: Yeah. I needed to see that  
18 blown up.

19 So you're indicating that the inlet is  
20 slightly lower than the outlet? Is that what these  
21 plans are showing? You said -- I thought I heard  
22 you say that.

23 MR. WHITE: The first section of pipe from  
24 the pump station has a slight slope up to the

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

33

1 manhole, and then from the manhole it slopes down to  
2 the outlet.

3 MS. HEGEMANN: So it's a little bit of a  
4 teepee.

5 MR. WHITE: Yes.

6 MS. HEGEMANN: When you did your watershed  
7 divide, the .4 acres -- and Dennis, also, you  
8 indicated that you walked streams when we talked in  
9 the field -- how did you determine which part of the  
10 site was flowing one way versus another?

11 MR. WHITE: The .4 is the entire watershed  
12 area north of Franklin Street. We did not put a  
13 divide in there. So part of that .4 goes to the  
14 36-inch culvert west of the site and the other part  
15 of that watershed goes to the -- toward the Weiss  
16 Farm area.

17 MS. HEGEMANN: But how did you determine  
18 which one goes where.

19 Am I not making sense?

20 MR. WHITE: Yeah. Well, we -- it's  
21 difficult to say, because everything is so flat out  
22 there, how much water -- you know, certainly  
23 historically probably more water went to -- the  
24 36-inch has, you know, four times the capacity as

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

34

1 the culvert at Franklin Street. However, you know,  
2 the channels out there being vegetated and what used  
3 to be Meeting House Brook now with stagnant water in  
4 it, no flow, it's hard to say, you know, we've got  
5 half of that going one way, half going the other.

6 MS. HEGEMANN: So you just estimated .4  
7 versus getting some spot grades out there that said  
8 at a certain point the water starts flowing one or  
9 the other way.

10 MR. WHITE: Well, .4 is the total watershed  
11 area for all the area north of Franklin Street.

12 CO-CHAIR McBRIDE: So you assumed the .4  
13 includes everything draining to the pump house?

14 MR. WHITE: To either the pump house or the  
15 36-inch drain.

16 MS. HEGEMANN: So you didn't do a sub  
17 watershed that divides it to one or the other.

18 MR. WHITE: No.

19 MS. HEGEMANN: Okay.

20 And I think I have a third question.

21 I knew I would forget it.

22 When you were talking about your  
23 recommendations -- not all your recommendations --  
24 obviously, I just got this tonight, so I was just

Public Hearing - May 7, 2015  
Re 170 Franklin Street

35

1 following along. And the recommendations in this  
2 document didn't include some of the recommendation  
3 you just spoke.

4 Did you have --

5 MR. WHITE: Which one was that?

6 MS. HEGEMANN: Well, you said -- sorry. Let  
7 me get to this.

8 MR. WHITE: The one that wasn't in there  
9 was the pump station improvements.

10 MS. HEGEMANN: And that's --

11 MR. WHITE: And those were in the separate  
12 pump station report.

13 MS. HEGEMANN: That's in the pump station  
14 report.

15 You had four recommendations in this  
16 document we just received.

17 Was the weir in here?

18 MR. WHITE: Yes. It should have been.

19 MS. HEGEMANN: So -- well, I'll figure it  
20 out. I'll let you know.

21 But then when you -- I'm assuming that you  
22 said it was a 24-inch culvert behind Sunset, and I  
23 looked at some of the old plans -- and I'm going to  
24 believe you, but we both have the same sets of

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

36

1 plans -- did you just get a record elevation of  
2 that? I know it's partly buried, but I didn't know  
3 if you got a survey.

4 MR. WHITE: That was from a survey I  
5 received.

6 MS. HEGEMANN: From the Town Engineer.

7 MR. WHITE: It was from an engineering firm  
8 who did -- who went out there and measured. They  
9 could be off. Sometimes, you know, it's hard to get  
10 to these things. You know, it could be at 21, could  
11 be 18, could be 24, could be 27. I've seen -- you  
12 know, but that's from the record plan I received.

13 MS. HEGEMANN: Okay. I always do this. I  
14 think of one more question while you're answering.

15 So as part of your watershed study, it's  
16 basically an historical analysis of what happened to  
17 the watershed; it's not necessarily a -- an  
18 evaluation of what a FEMA flood plain would be based  
19 on current data?

20 MR. WHITE: It wasn't a flood plain study.

21 MS. HEGEMANN: Right. You're relying on  
22 data that's been submitted to the town previously.

23 MR. WHITE: Some of it, yes. Some of it's  
24 from our own review of topographic information and

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

37

1 previously provided material.

2 MS. HEGEMANN: Because the Commission could  
3 ask, under 10.57, for a more calculations to  
4 actually try to define where it might be. And in a  
5 situation like this, where it's so sensitive, and is  
6 affecting so many -- I mean, we're in this really  
7 low, flat part of the town, and I think it may make  
8 sense to try to do some more calculations.

9 And here comes Dennis.

10 MR. LOWRY: If I can just comment on that.

11 Are you referring to 10.57, so land subject  
12 to flooding, is what you're referring to by  
13 "regulations"?

14 And if you look there, and you look at the  
15 Notice of Intent, we did follow the prescription for  
16 definition of bordering land subject to flooding in  
17 situations where it's not defined by FEMA and you  
18 can't otherwise reasonably calculate a flood plain  
19 elevation, and that's using the maximum observed  
20 limits of flooding.

21 MS. HEGEMANN: That's one of the ways.

22 MR. LOWRY: Right. Well, I think if you  
23 follow through the sequence of steps, that comes out  
24 as the only one that can really be applied in this

Public Hearing - May 7, 2015  
Re 170 Franklin Street

38

1 situation.

2 MS. HEGEMANN: Not necessarily. Unless,  
3 Jim, you tell me there is no way to calculate this  
4 watershed.

5 But the point is that if there is a  
6 dispute, there is another way to calculate the  
7 watershed on site, according the that section.

8 That's it, on the flood stuff, anyway.

9 CO-CHAIR McBRIDE: Can you -- you said the  
10 pump was put in, I think what you said was in the  
11 '50s?

12 MR. WHITE: The --

13 CO-CHAIR McBRIDE: Maybe I heard you wrong.

14 MR. WHITE: Well, the pump itself has been  
15 replaced, but the initial pump station was built in  
16 the 1950s.

17 CO-CHAIR McBRIDE: So right about then.

18 So over the years the property has been  
19 filled and filled and filled just the way -- so does  
20 it -- it makes sense, sorry, that as the property  
21 fills, the property around it floods -- maybe that's  
22 a very simplistic way to say it -- because it can't  
23 go on Weiss Farm anymore because it's, over the  
24 years, been filled up with farming, and mulch, and

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

39

1 whatever and ever and ever.

2 Are there any -- I guess maybe I'm looking  
3 for, in the original 1935 documents you said, do you  
4 know what the elevation of Weiss Farm was then  
5 versus what it is now?

6 MR. WHITE: No, I don't.

7 CO-CHAIR McBRIDE: Is there a way to find  
8 that out?

9 MR. WHITE: I don't think so. I mean, I  
10 could go back to old USGS maps, but only accurate to  
11 ten feet, so that doesn't really do us much good.

12 But looking at the old maps, it looks like  
13 the water level was considerably lower back then  
14 than it is today. If you look at the old maps,  
15 Weiss Farm was farming the field on the west side.  
16 Now it's underwater. So the water has certainly  
17 come up since -- since 1935.

18 CO-CHAIR McBRIDE: And is there any -- in  
19 your review was there any discussion or thinking  
20 about opening up Meeting House Brook on the north  
21 side to allow flow out that way?

22 MR. WHITE: We did discuss that. You know,  
23 it's private property. Getting in there would be  
24 very difficult and trying --

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

40

1 CO-CHAIR McBRIDE: Did you attempt it? Did  
2 you contact whoever the private property owners are?

3 MR. WHITE: No.

4 CO-CHAIR McBRIDE: They might actually  
5 welcome it. You never know. Okay.

6 Okay. Bob Griffin, do you have any  
7 comments?

8 MR. GRIFFIN: Well, I have a couple of  
9 thoughts.

10 It was pretty apparent in the site walk --  
11 to me, anyways -- that there is ongoing flooding  
12 adjacent to the property; that the failure to  
13 operate the pump station at Weiss Farm, or the  
14 failure to make the pump station work, has caused  
15 flooding of adjacent properties. And looking down  
16 the road, I'm thinking that, you know, eventually  
17 you guys want us to say that you've met the storm  
18 water management standards, one of which requires  
19 that you not increase flooding during storm events.  
20 And it seems to me if you already are causing  
21 flooding, and you're going to increase the amount of  
22 water during any storm, it's impossible to make that  
23 statement.

24 So it seems to me that the failure of Weiss

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

41

1 Farm to operate the pump station correctly, or  
2 maintain it, or do whatever has to be done to get  
3 the water levels back to where they have been  
4 historically is a very significant problem, and  
5 you're not proposing really any solutions to it.

6 MR. WHITE: Bob, why do you believe that  
7 Weiss Farm is responsible for operating the pump  
8 station?

9 MR. GRIFFIN: Because that pump station is  
10 what's necessary to get water across the street.

11 MR. WHITE: And who built the street?

12 MR. GRIFFIN: I assume the Town built the  
13 street.

14 MR. WHITE: And who built the culvert?

15 MR. GRIFFIN: Well, listen. That pump  
16 station, in my opinion, has been there for many,  
17 many years. It's a privately-owned pump station,  
18 but it is the key to getting water across the  
19 street. I think that, you know, if Weiss Farm fails  
20 to operate that pump station, then they, in effect,  
21 cause flooding on adjacent properties. And that, to  
22 me, it's their job to do it. Maybe I'm wrong about  
23 that, but to me it's a significant issue.

24 Now, I can understand that the downstream

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

42

1 culverts have got silt in it. I can only imagine  
2 that some of that silt came from Weiss Farm. We've  
3 got some records that indicate that the Weiss Farm  
4 failed to control erosion on their property, so I've  
5 got to imagine that that pump station pushed silt  
6 across the street, and at least is a component of  
7 the silted condition of those downstream swales and  
8 culverts that are causing a problem today.

9 Why not fix it?

10 MR. WHITE: Our intent so to improve the  
11 pump station.

12 MR. GRIFFIN: You know, you said earlier  
13 today that you don't think there is any way to get  
14 water across the street with the current pump  
15 station.

16 MR. WHITE: No. I'm sorry, Bob, if you  
17 misunderstood me.

18 With the condition of the Sunset Road  
19 culvert being partially blocked, it causes water to  
20 back up, and water will not flow through the flow,  
21 through the Franklin Street culvert, or flows so  
22 very, very slowly, in that situation.

23 MR. GRIFFIN: It seems to me you could  
24 easily prevent that culvert from backing up into the

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

43

1 Weiss Farm property. You know, there are ways to  
2 put flap vales or things like that in these culverts  
3 so the water only flows in one direction. You can  
4 pretty easily extend the force main from the pump  
5 station so it goes to the other side of Franklin  
6 Street. Then it would disappear into that silted-up  
7 swale and it wouldn't come back on the to Weiss Farm  
8 property.

9 CO-CHAIR McBRIDE: I think also you  
10 recommended, Jim, if I'm not mistaken, cleaning out  
11 that culvert. And to Bob's point, my guess, is a  
12 lot of the silt that's in there is from Weiss Farm.  
13 And from what I understand -- and I'm sure we'll  
14 hear from people, from the public later --  
15 historically when the pump and the culverts  
16 downstream of the pump were maintained, there was  
17 not this problem.

18 So I think it's just simply asking Weiss  
19 Farm and/or Corcoran to take responsibility for that  
20 going forward.

21 MR. LOWRY: I just want to comment on  
22 the -- on the aspect of the Weiss Farm operations  
23 contributing to the problem relative to siltation.  
24 And, you know, I think it would be hard to say

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

44

1 that's not the case. And I would point to the  
2 change in land use that's proposed with the current  
3 project, and the state-of-the-art storm water  
4 management that would be -- storm water management  
5 measures that would be incorporated as part of this  
6 project would ultimately yield better benefit in  
7 terms of lack of siltation, lack of sedimentation  
8 occurring within the ditches so that, in the long  
9 run, this is an improvement to the existing  
10 conditions and the longstanding conditions of that  
11 sedimentation adversely affecting the conveyance of  
12 flow downstream of the site.

13           So if we could convert to a situation where  
14 the -- the ditches below, or south, of Franklin  
15 Street were improved to a condition that they have  
16 been during regular maintenance periods, and then if  
17 you look at the change in land use on the Weiss Farm  
18 site with this development, and again the  
19 state-of-the-art storm water management measures, we  
20 would no longer have that contribution of siltation  
21 and sedimentation contributing to the lack of  
22 conveyance or the poor conveyance which is  
23 contributing to the flooding. So I think, from that  
24 perspective, this project would be a benefit in

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

45

1 terms of -- in terms of that aspect.

2 CO-CHAIR McBRIDE: I just want to remind --  
3 I'm sorry, but I forget your attorney. Not Steven,  
4 but the other attorney's name. Sorry.

5 At our last meeting in this room, when we  
6 talked specifically about the flooding, the historic  
7 flooding at Weiss Farm, your response was that was  
8 not your responsibility. So this kind of sounds  
9 different than what you said.

10 Maybe I am not reporting that you said  
11 exactly right.

12 MR. GALLOGLY: It doesn't mean we won't do  
13 something.

14 CO-CHAIR McBRIDE: It didn't seem like you  
15 were willing to do something at our last meeting.

16 MR. GALLOGLY: We had no suggestions put  
17 forward by this Commission. We hadn't come up with  
18 any recommendations, either. That's why you asked  
19 us to do the watershed study.

20 MR. GRIFFIN: Frankly I think Dennis made a  
21 good statement. I think that there is the potential  
22 to make things better. But I'm personally at the  
23 point in time that, unless you fix the downstream  
24 conditions, you're going to make things worse.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

46

1 CO-CHAIR McBRIDE: Go ahead.

2 MR. WITTEN: Madam Chairperson, just a  
3 question to Mr. White:

4 I -- again, we all received your report on  
5 the watershed study this evening, but I listened to  
6 you carefully; I looked at the conclusions. I only  
7 see one recommendation in the conclusions that is on  
8 Page 3 and Page 4, and the one recommendation is  
9 what I think you've said a couple of times, to clean  
10 and/or repair the Sunset Road culvert, but the other  
11 conclusions are conclusions; they're not  
12 recommendations.

13 So did I miss something? Was it your  
14 intent --

15 MR. WHITE: I thought -- I'm sorry. I  
16 thought the conclusions were things that could be  
17 done or recommendations.

18 MR. WITTEN: Well, again, respectfully the  
19 conclusions are the southeasterly corner of the  
20 property has been flooded; the northern portion of  
21 watershed was developed; the fourth conclusion is  
22 alteration and debris has restricted flow. Those  
23 are statements of either fact or presumption. There  
24 is only one conclusion -- or, excuse me, there is

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

47

1 only one recommendation, and that recommendation is  
2 to clean or repair the Sunset Road culvert.

3 So in response to Attorney Gallogly, if  
4 you're making recommendations, I think the  
5 Commission is open to hear them.

6 MR. WHITE: Yeah, I think if you read  
7 throughout the whole -- I know you just received it  
8 tonight. But I think if you read it, I go and point  
9 out in the report things to be fixed and repaired.  
10 I know on Page 2 I talk about repairing the weir.  
11 So I think -- I think those items are in the report.

12 MR. WITTEN: So is it fair to say -- should  
13 the Commission take the report as this as the  
14 Applicant's recommendations for improvement?

15 MR. WHITE: Recommendations -- I'm sorry.

16 MR. WITTEN: Recommendations for  
17 improvement to the flooding issue.

18 MR. WHITE: Yes.

19 MR. WITTEN: Is there any other material  
20 that the Applicant is submitting?

21 MR. WHITE: We also submitted a report on  
22 the pump station.

23 MR. WITTEN: On the pump station.

24 MR. WHITE: Of proposed improvements.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

48

1           MR. WITTEN: So is it those two reports  
2 that the Commission should rely on as the  
3 recommendations from the group?

4           MR. WHITE: Yes.

5           MR. WITTEN: Thank you.

6           CO-CHAIR McBRIDE: So I have a question  
7 about from -- what I understand -- and, again, I'm  
8 not an engineer, but you are -- you are going to add  
9 fill to the property so that you can basically build  
10 your infiltration systems to take any excess water  
11 off the property, correct which will, in fact, put  
12 you at an elevation that's higher than the flood  
13 zone or flood -- I don't know what the right term  
14 is.

15           MR. WHITE: Well, all our work is outside  
16 the flood zone, so...

17           CO-CHAIR McBRIDE: All your work is outside  
18 the flood zone?

19           MR. WHITE: Outside the flood zone.

20           MS. HEGEMANN: As defined by the Applicant.

21           CO-CHAIR McBRIDE: Oh. I'm not sure what  
22 that means, because --

23           MR. LOWRY: Well, in other words -- excuse  
24 me, in other words, we've defined the limit of

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

49

1 flooding on the site based on observed conditions at  
2 I think it's 163.6 feet elevation. So we're not  
3 doing any work inside or down below that elevation.

4 So when Jim says we're not placing fill  
5 within areas subject to flooding, that's our  
6 position that --

7 CO-CHAIR McBRIDE: No. But I'm saying the  
8 areas in which you build the buildings and build  
9 your infiltration systems be will be in the central  
10 part of that parcel.

11 MR. LOWRY: Right. Outside of any areas  
12 subject to flooding or outside of any wetland area.

13 CO-CHAIR McBRIDE: Right. But you're going  
14 to bring in fill, that's going to lift and raise the  
15 elevation of that property, correct?

16 MR. WHITE: We're going the use mostly  
17 on-site fill. There is a hill in the middle of the  
18 site which we'll use as fill material.

19 CO-CHAIR McBRIDE: But my point is you're  
20 going to raise the elevation of the center bowl part  
21 of that property as it is now, right?

22 MR. WHITE: Yes.

23 CO-CHAIR McBRIDE: Okay. So I guess, as a  
24 lay person, where does that water then go? I know

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

50

1 you have infiltration systems, but it just seems --  
2 it makes sense that, as you go up, the rest of the  
3 water goes elsewhere. Maybe I'm just being simple.

4 MR. LOWRY: I mean, that's the purpose of  
5 the storm water management measures that are part of  
6 the project. So water -- the increase in runoff is  
7 mitigated by detention and slow release out of the  
8 detention basins and infiltration basins so that the  
9 rate of runoff is not increased off of that upland  
10 area.

11 CO-CHAIR McBRIDE: So what happens if -- if  
12 you do it all according to storm water management  
13 stats and everything is great? What happens?  
14 What's -- do we have any kind of built-in assurances  
15 that if it's not working, if this area continues to  
16 be prone to flooding for other unforeseen reasons,  
17 or things that I can't even think of right now,  
18 because it's been flooding -- it used to be a swamp.  
19 It's going to keep flooding. What assurances do we  
20 have that Corcoran would then, you know, look at it  
21 five years down the road? Say you build your  
22 buildings and, you know, you're gone -- or I don't  
23 know if you stay, or the builder is gone, how do  
24 we -- what kind of guarantees can we have that

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

51

1 you'll maintain that, or we'll always be able to  
2 say, "Well, now it's changing." I don't know if  
3 that's an unreasonable thing to ask you.

4 MR. GALLOGLY: Well, you can have  
5 conditions attached to an approval that require us  
6 to maintain, you know, what we put in.

7 CO-CHAIR McBRIDE: Can they be in  
8 perpetuity?

9 MR. GALLOGLY: They certainly can be.

10 CO-CHAIR McBRIDE: Okay.

11 MR. WITTEN: So Mr. White, just back to the  
12 watershed study.

13 So I've now read -- it's only five pages,  
14 so I've now read the whole report. So I see two  
15 recommendations:

16 On Page 2, that the precast concrete dam  
17 should be repaired and wood weir should be replaced.  
18 That's the first recommendation. And then on Page 4  
19 I see the recommendation, the first bullet, about  
20 cleaning the Sunset Road culvert.

21 So are those the only two recommendations  
22 that the Applicant is making to the Commission on  
23 the watershed study? There is no other  
24 recommendations in this entire report.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

52

1           MR. WHITE: As I mentioned, the sewer pump  
2 station report recommended --

3           MR. WITTEN: I didn't --

4           MR. WHITE: -- improvements the pump  
5 station.

6           MR. WITTEN: So the pump station report and  
7 then the two items that we've just discussed in the  
8 watershed study?

9           MR. WHITE: I would have to go through and  
10 review the watershed study to see if there is  
11 further recommendations.

12           MR. WITTEN: I mean, I'm not  
13 misrepresenting what you've produced. I just want  
14 to makes sure, because the Commission asked at the  
15 last meeting whether you would do the study and  
16 provide recommendations -- or at least you're here  
17 tonight, I think, to provide recommendations. And  
18 it sounds like there is the pump station and the two  
19 recommendations in this report.

20           I just want to make sure that we're not  
21 missing other recommendations from the applicant.

22           MR. CICATELLI: Why don't we let the  
23 Commission read the report, and we could take our  
24 time. There might be more information in there -- I

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

53

1 think that's what's Jim's saying -- as opposed to  
2 simply saying there are two recommendations.

3 MR. WITTEN: Well, that's a question. I've  
4 read the report, and I'm asking Jim, who authored  
5 the report, whether I'm missing something. That's  
6 all.

7 MR. WHITE: I think, if I remember  
8 correctly, there is recommendations to clean the  
9 drainage ditch downstream of Franklin Street and the  
10 Sunset -- Sunset Street culvert. There is the weir  
11 improvements, and there is the pump station  
12 improvements.

13 MR. WITTEN: Okay. Which is a separate  
14 report?

15 MR. WHITE: Yes.

16 MR. WITTEN: Well, if I could ask through  
17 the Commission, if there are other recommendations  
18 beyond those three, if you could send a memo to  
19 Mr. Griffin and Ms. Hegemann just to identify those.

20 Thank you.

21 AUDIENCE MEMBER: May I ask a question?

22 CO-CHAIR McBRIDE: No. Just anybody else  
23 here at the table have any more questions?

24 MS. HEGEMANN: I just have one.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

54

1           You ended your report I think in 2001; and  
2 then, between the period of 2005 to 2007, a lot of  
3 the ditches on the site where changed. There is the  
4 one ditch by the outlet that curved away from --

5           MR. WHITE: There is one ditch that was  
6 excavated since that time that went around the hill  
7 on the west side.

8           MS. HEGEMANN: Yeah. There were two  
9 changes.

10          MR. WHITE: I did not include that, because  
11 I didn't think that really impacted the wetlands in  
12 that area.

13          MS. HEGEMANN: Well, it definitely impacted  
14 the wetlands.

15          MR. WHITE: I mean not impact the wetlands.  
16 Impact the flow of the watershed.

17          MS. HEGEMANN: That was the question I was  
18 asking.

19          MR. WHITE: Yeah.

20          MS. HEGEMANN: Did you consider whether  
21 that might have -- or did you ever ask -- I know you  
22 weren't -- you aren't the land owner, but do you  
23 know why those were constructed?

24          MR. WHITE: I can go back and look. That

Public Hearing - May 7, 2015  
Re 170 Franklin Street

55

1 was the time the DEP was involved, and DEP told them  
2 to put the weir in. I not sure if that's the same  
3 time they told them also --

4 MS. HEGEMANN: No. The administrative  
5 consent orders didn't really talk about changing the  
6 channels at all. Granted, I've just been reading  
7 stuff for a week.

8 MR. WHITE: I can go back, and I'll check  
9 on it.

10 MS. HEGEMANN: As part of their watershed  
11 study, it might be worthwhile.

12 MR. WHITE: Yeah. I didn't -- a question  
13 came up, and I didn't include this because I didn't  
14 think it increased or changed the flow to the  
15 culverts, but I'll include that.

16 MS. HEGEMANN: There was also fill behind  
17 the -- there is a little parcel -- out parcel that  
18 was now formerly owned by Weiss, and behind that  
19 there was some -- it appears, based on the 2005,  
20 2007 time period, that there was wetland fill back  
21 there.

22 MR. WHITE: Where was that?

23 MS. HEGEMANN: So there is the little out  
24 parcel that's now or formerly owned by Weiss. It's

Public Hearing - May 7, 2015  
Re 170 Franklin Street

56

1 right this parcel.

2 CO-CHAIR McBRIDE: To the left as you walk  
3 in.

4 MS. HEGEMANN: It's Donna Weiss. It's this  
5 little -- behind where you -- where your future  
6 detention basin is going to be, this corner.

7 MR. WHITE: Yes. Okay.

8 MS. HEGEMANN: So there appeared to have  
9 been wetland back there in the mid-2000s, and there  
10 were other ditches back there at that time. So the  
11 question, as part of a watershed study, might also  
12 include -- and I know this is going to be sort of  
13 crystal ball -- but which way did those additional  
14 ditches flow, and did that wetland play a role in  
15 dividing the watershed so that there might be less  
16 water coming towards the pump station culvert versus  
17 the Dunkin' Donuts culvert? So I think those -- I  
18 think the watershed study may want to consider that.

19 MR. WHITE: Is that behind the single  
20 family house adjacent --

21 MS. HEGEMANN: Yes.

22 Do you want me to come and show you?

23 MR. WHITE: I just want to make sure.

24 MS. HEGEMANN: If you look at those other

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

57

1 studies, you can clearly see that there was changes  
2 in hydrology.

3 MR. LOWRY: One thing I wanted to comment  
4 on regarding the ditch, or the excavated ditch to  
5 the west of the upland knoll, if you go back to the  
6 1969 aerial photographs -- which reflect, I think,  
7 largely what everybody seems to feel was excavated  
8 by the Corps of Engineers as part of the drainage  
9 improvements -- you can see that there were  
10 prominent ditching through that westerly wetland,  
11 and one ditch in particular which follows pretty  
12 much the same pathway as that -- as that current  
13 ditch. I think the two to the west of that have  
14 silted in and grown up with vegetative cover, but  
15 you can tell that in the past they had tried to move  
16 water up and around that upland knoll with that  
17 ditching. And so, in my view anyways, that  
18 augmentation of that -- of that easterly of those  
19 three ditches, that appears to have occurred  
20 sometime in the 2000s, simply took the remaining  
21 ditch that was -- that had been there back in the  
22 1960s.

23 CO-CHAIR McBRIDE: Dennis, can I ask you a  
24 question?

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

58

1           Did you ever get confirmation from the US  
2 Army Corps of Engineers that they did, in fact, dig  
3 those ditches?

4           MR. LOWRY: I have never talked to the  
5 Corps of Engineers.

6           CO-CHAIR McBRIDE: I did, and I couldn't --  
7 none of them. I had someone who did historic  
8 checking and said, as far as he's concerned, they  
9 have no record whatsoever of --

10          MS. DAY: Marty has a letter. He has a  
11 letter basically saying -- can I ask Marty?

12          CO-CHAIR McBRIDE: Yeah.

13          MS. DAY: Marty, you have the letter,  
14 right, from the Army Corps of Engineers basically  
15 saying they have no records of doing work on Weiss  
16 Farm. We have a physical letter.

17          CO-CHAIR McBRIDE: I have an e-mail, too.

18          MR. WANTMAN: I submitted it to  
19 Conservation Commission.

20          MS. DAY: We can send that to you.

21          CO-CHAIR McBRIDE: I'm just curious. When  
22 you said Army Corps of Engineers, I thought maybe  
23 you had some information that I wasn't able to get.  
24 That's all.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

59

1           MR. LOWRY: And I would suggest calling the  
2 Corps now and having them say they have no record of  
3 them having done that doesn't mean that didn't do  
4 it, either.

5           CO-CHAIR McBRIDE: We're kind of stuck.

6           MR. LOWRY: There is a fair amount of  
7 historical, at least anecdotal evidence that they  
8 did do that work back in the 1950s. So, you know,  
9 I've just looked at historic documents. I can't  
10 say, beyond that, if we've contacted them and  
11 confirmed that.

12           CO-CHAIR McBRIDE: Have you shared those  
13 with us? Or could you share that with us? Because  
14 I couldn't get anything from them. So if you got  
15 something, I wouldn't mind seeing it, please.

16           MR. LOWRY: Okay.

17           MS. HEGEMANN: Just Dennis, to counter what  
18 you've indicated, those three -- the three prongs  
19 that you're talking about, the three ditches,  
20 parallel ditches, those could have contributed to  
21 any kind of flow change, so --

22           MR. LOWRY: I'm sorry. Did you say they  
23 could have?

24           MS. HEGEMANN: They could have.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

60

1           MR. LOWRY: They could have.

2           MS. HEGEMANN: They were clearly excavated  
3 to bring the flow towards the north and then, from  
4 that point, it's six of one, half a dozen of the  
5 other where it might have gone. So I think -- and  
6 what we don't see in this report -- is that in the  
7 mid 2000s there was a significant change to that.  
8 And I just -- as part of watershed study, I think it  
9 is valid to include that. And I understand why it  
10 wasn't, but to the extent that one was constructed  
11 to direct flow in one direction.

12           MR. WHITE: The 2001 photo -- sorry, the  
13 2001 photo doesn't seem to have -- show a wetland  
14 behind the Weiss Farm house.

15           MS. HEGEMANN: So look at the other ones.  
16 The 2000 -- well, the 2001 photo that I have --

17           MR. WHITE: Because I thought you mentioned  
18 it was after 2000. That's how I'm saying.

19           MS. HEGEMANN: Yes, but I don't even see the  
20 house I'm talking about on the 2001 photo. It  
21 doesn't cover that area.

22           MR. WHITE: I'm also looking at the '71  
23 photo. It doesn't look like there is a wetland  
24 behind the house, either.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

61

1 MS. HEGEMANN: Well, if you look at the --  
2 hold on.

3 AUDIENCE MEMBER: I didn't hear what you're  
4 talking about. Could somebody point?

5 MS. HEGEMANN: I'll show you what I'm  
6 talking about.

7 AUDIENCE MEMBER: Thank you.

8 MS. HEGEMANN: So this little house right  
9 here (indicating). There is wetland. It's north.  
10 And historically there used to be three ditches this  
11 way, and now they were directing the flow this way  
12 (indicating) my best guess, and now you have this  
13 one that sits here, and I don't know what it's  
14 doing.

15 AUDIENCE MEMBER: They were flowing north,  
16 you're correct, and then west.

17 MR. WITTEN: Yeah. At some point.

18 CO-CHAIR McBRIDE: Anybody else at the  
19 table have questions? Anybody on the Commission  
20 have questions?

21 MR. GRIFFIN: Within the last week I was --  
22 I received some Administrative Consent Orders from  
23 2006 and 2010. I'm curious if those are still  
24 active. I'm also curious. There was a drainage

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

62

1 report referred to in one of those. Is that  
2 something that would be available to us and was it  
3 completed? And they also referred to some annual  
4 reports, and I'm curious about the status of those  
5 annual reports.

6 MR. MAHONEY: I will check with the current  
7 owner and see if those are available.

8 MR. GRIFFIN: Thanks.

9 CO-CHAIR McBRIDE: Did that answer all your  
10 questions, Bob?

11 MR. GRIFFIN: It sounds like they're going  
12 to work on it.

13 CO-CHAIR McBRIDE: Okay. Anyone else?

14 Bill, I think you have a question.

15 MR. SOLOMON: I did. It was asked, so all  
16 set.

17 CO-CHAIR McBRIDE: Does anybody have any  
18 questions this they would like to ask?

19 Mr. Eaton, please come to the mic.

20 MR. EATON: John Eaton, 18 Citation Ave.

21 I have two questions regarding a letter  
22 sent by Robert Conway to Robert Sweeney of the Board  
23 of Selectmen cc-ing the Stoneham Board, the Stoneham  
24 Conservation Commission. The letter was posted on

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

63

1 the town website on December 10th, 2013. The letter  
2 refers to a site visit of -- can you hear me okay?

3 AUDIENCE MEMBER: No. You have to aim it.

4 MR. EATON: Oh, I'm sorry.

5 I have a copy of the letter. May I give it  
6 to you so you know what I'm talking about?

7 CO-CHAIR McBRIDE: I know the letter you  
8 mean. What's your -- do you want to make a comment  
9 on it or --

10 MR. EATON: I have two questions on it, and  
11 if you have a copy of the letter it might make it  
12 easier.

13 CO-CHAIR McBRIDE: Sure.

14 MR. EATON: Okay.

15 I would just like to quickly -- just to  
16 read five lines in the letter to preface my  
17 question.

18 It -- Robert Conway says that the  
19 Stoneham's geology --

20 CO-CHAIR McBRIDE: Just for reference, Bob  
21 Conway was the former Chairman of the Board of  
22 Select -- board of -- Conservation Commission.

23 MR. EATON: "Stoneham's geology is unique  
24 in the fact that the geology will change

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

64

1 abruptly from rock to deep pockets of peat.  
2 We envision that there is a huge deposit of  
3 peat over this entire area. Peat is a very  
4 unstable structural material that entraps  
5 large quantities of ground water.

6 Therefore, the Stoneham Conservation  
7 Commission requests that a geotechnical  
8 soils engineer and hydrologist" --  
9 "hydrologist be employed to determine the  
10 characteristics of the area with regards to  
11 development."

12 So my question is, was a soils engineer and  
13 hydrologist ever hired to study the characteristics  
14 of Weiss Farm, and, if so, what were the findings?

15 CO-CHAIR McBRIDE: If I'm not mistaken, did  
16 you do borings and found no peat on the property?  
17 Am I remembering that correctly?

18 MR. MAHONEY: If we found any, very, very,  
19 very limited pockets.

20 CO-CHAIR McBRIDE: And Bob, did you have  
21 anything to correlate to that, Bob Griffin.

22 MR. GRIFFIN: I did receive some boring  
23 results within the last week from Jim White, and I  
24 don't recall seeing any peat. But I didn't really

Public Hearing - May 7, 2015  
Re 170 Franklin Street

65

1 study them perfectly all that great. I don't  
2 remember.

3 Mr. White, do you have any comment?

4 MR. WHITE: There is mostly sand underneath  
5 the flat area. It's a medium fine sand, pretty  
6 uniform. The hill there the mostly ledge. So the  
7 intent is to, you know, knock the hill down, grind  
8 it up and use that as fill on the site.

9 But the underlying soil -- and I believe  
10 all the borings, at least the ones we have leaching  
11 systems on, the ones I was interested in, were all  
12 sand underneath the material.

13 CO-CHAIR McBRIDE: Does that answer your  
14 question, John?

15 MR. EATON: Well, my question was, was a  
16 hydrologist ever --

17 CO-CHAIR McBRIDE: We've answered this a  
18 few times. Bob is a hydrologist that the town has  
19 hired.

20 MR. EATON: Bob is a hydrologist?

21 CO-CHAIR McBRIDE: Yes. Yes.

22 MR. EATON: And you've studied the  
23 characteristics of -- of Weiss Farm and the water --  
24 have you studied the water flow adequately?

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

66

1           MR. GRIFFIN: I think I have got a pretty  
2 good understanding of the water flow associated with  
3 the proposed development.

4           I would point out that what I've looked at  
5 has been reports that were prepared by Mr. White and  
6 his company.

7           MR. EATON: And what about a soils  
8 engineer? Have we hired a soils engineer?

9           CO-CHAIR McBRIDE: No. I think we've  
10 reviewed the borings that were performed by the  
11 Applicant.

12           Are you suggesting we hire someone in  
13 addition?

14           MR. EATON: I'm just asking the question.  
15 That's all.

16           CO-CHAIR McBRIDE: Okay.

17           MR. EATON: I'm not an expert in any of  
18 those areas.

19           MR. GRIFFIN: And I think, for the purposes  
20 of reviewing the proposed development I've got  
21 adequate expertise in this area to evaluate the  
22 boring results that were provided. I think  
23 Mr. White has adequate expertise to take the  
24 borings, and interpret them and properly design the

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

67

1 project. So I don't think there is any shortage of  
2 soils evaluation going on here.

3 MR. EATON: Okay. Thank you.

4 My second question has to do with the  
5 bottom paragraph of that letter regarding -- he  
6 raises -- he says:

7 "There is testimony on historic  
8 landfills on or adjacent to the property."

9 So the question is, could any disturbance  
10 of adjacent areas caused by landfill on the proposed  
11 site cause groundwater contamination?

12 Do you know the answer to that?

13 CO-CHAIR McBRIDE: I don't, and I don't  
14 know what landfills he's talking about except maybe  
15 he's talking about Gerald Road, Allen Road, Sunset  
16 Road, Beacon Street, all the -- Tamarock Terrace,  
17 all the areas that were around Weiss that were  
18 filled for development back before the Wetlands  
19 Protection Act existed. I'm not sure what other  
20 landfills -- but I can ask him. I can call him and  
21 ask him.

22 MR. EATON: Well, I think we ought to find  
23 out if -- if they're going to build there, if there  
24 is going to be -- if there is going to be any worry

Public Hearing - May 7, 2015  
Re 170 Franklin Street

68

1 about groundwater contamination affecting --

2 CO-CHAIR McBRIDE: I think you did do  
3 studies on that, correct?

4 MR. MAHONEY: In addition to the -- when we  
5 did our borings and the monitoring wells, we tested  
6 for any chemicals and things like that.

7 MR. EATON: And there was no problem found?

8 MR. MAHONEY: Correct.

9 CO-CHAIR McBRIDE: And Bob Griffin reviewed  
10 those tests.

11 MR. GRIFFIN: I don't recall seeing any  
12 laboratory tests describing chemical  
13 characteristics, but I don't recall seeing any trash  
14 showing up in the borings, either.

15 CO-CHAIR McBRIDE: Can you provide to him?

16 MR. MAHONEY: Sure.

17 CO-CHAIR McBRIDE: Thanks.

18 MR. L'ESPERANCE: I would assume he did a  
19 21E, right?

20 MR. MAHONEY: Correct. We can provide --  
21 it may been submitted under --

22 CO-CHAIR McBRIDE: You may have.

23 MR. MAHONEY: -- the comprehensive permit  
24 application. We can get it as well.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

69

1           MR. EATON: I've heard reports that there  
2 were -- there were different types of trash there,  
3 silicon, that kind of thing.

4           CO-CHAIR McBRIDE: Lots of rumors.

5           MR. EATON: Excuse me?

6           CO-CHAIR McBRIDE: Lots of rumors all over  
7 town about different things. But if they've done  
8 test borings and they've tested the fill and the  
9 borings, I'm not sure what more we can ask for. If  
10 we can ask for something more, we'll ask for it,  
11 but...

12           MR. EATON: So -- so you're satisfied on  
13 this issue?

14           CO-CHAIR McBRIDE: Well, I'll ask Ingeborg  
15 and Bob. I'm no expert, but I'll ask them, because  
16 they are the experts.

17           MR. EATON: All right. Thank you.

18           CO-CHAIR McBRIDE: You're welcome.

19           AUDIENCE MEMBER: Can I ask a question?

20           CO-CHAIR McBRIDE: Sure.

21           MR. ARMANO: I'm Paul Armano, 9 Landers  
22 Road.

23                    So I would like to know the borings, how  
24 many were done and how deep did they go?

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

70

1 CO-CHAIR McBRIDE: I don't know if anyone  
2 is going to remember that. That was a while ago,  
3 but, Bob, do you know offhand?

4 MR. WHITE: We did quite a few. I don't  
5 know off the top of my head. Maybe 30.

6 MR. ARMANO: 30 feet?

7 MR. WHITE: No, 30 borings, maybe.

8 MR. ARMANO: How deep did you go?

9 MR. WHITE: 20 feet.

10 MR. ARMANO: Okay. Because I spoke to a  
11 local resident who did have an issue with his home.  
12 He had his home rebuilt, and he had mentioned that  
13 he had to go down about 26 feet and --

14 CO-CHAIR McBRIDE: This is Ventrano, is it,  
15 on Sunset?

16 MR. ARMANO: Yeah. I believe he said 26 to  
17 40 feet.

18 CO-CHAIR McBRIDE: To get away from the  
19 peat?

20 MR. ARMANO: Right. To get away from the  
21 peat. So I don't believe those tests are quite  
22 accurate.

23 MR. MAHONEY: Can I?

24 It does us no good to build a building

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

71

1 that's not going to be stable for years and years,  
2 so we've done -- we've hired experts and done a lot  
3 of testing on the site, and we're very comfortable  
4 with the conditions that we found.

5 MR. ARMANO: Right.

6 CO-CHAIR McBRIDE: Do you understand what  
7 his comment is?

8 MR. ARMANO: So you believe 20 feet is deep  
9 enough?

10 CO-CHAIR McBRIDE: Well, what he's saying  
11 is if they built a building on peat, it could sink,  
12 and it wouldn't behoove them all to do such a thing,  
13 so...

14 MR. ARMANO: Excuse me one minute.

15 Okay. So you do believe that 20 feet is  
16 deep enough? You don't think you need to go any  
17 deeper?

18 MR. MAHONEY: I believe we rely on our  
19 geotechnical engineer to make that call. That's  
20 what his conclusion is.

21 MR. ARMANO: I find it hard to believe that  
22 you found very little peat but you did find sand.

23 MR. MAHONEY: We'll submit the boring logs  
24 again.

Public Hearing - May 7, 2015  
Re 170 Franklin Street

72

1 MR. WHITE: It was a glacial out washed  
2 sand. That's why it's so flat out there. It's an  
3 out wash from a glacier, which is -- most soil  
4 conditions around here are the result of glacial  
5 action. So when the glacier came through, there is  
6 an out wash, or flat area, of sand deposit, and  
7 that's what this site is made of.

8 MR. ARMANO: Okay.

9 MS. DAY: We can put -- I think it's  
10 okay -- whatever you give to us, we can put on the  
11 website and you review it yourself and then come  
12 back with questions as well, if that helps.

13 MR. ARMANO: Well, I think -- I mean,  
14 that's why we need to -- we need to hire experts.  
15 I'm not an expert.

16 MS. DAY: I think we do --

17 CO-CHAIR McBRIDE: These three people are  
18 experts.

19 MR. ARMANO: I mean, do we --

20 CO-CHAIR McBRIDE: I think the problem is  
21 you don't trust them, and so you're thinking that  
22 whatever borings they've given us are sketchy, at  
23 best.

24 MR. ARMANO: Right. They didn't comment on

Public Hearing - May 7, 2015  
Re 170 Franklin Street

73

1 how many borings, how deep they were.

2 CO-CHAIR McBRIDE: I think they just did.

3 MR. ARMANO: Right. They did now.

4 CO-CHAIR McBRIDE: Like three times.

5 MR. ARMANO: Right. But we have one chance  
6 to get this right.

7 CO-CHAIR McBRIDE: Yep.

8 THE WITNESS: And are we -- I'm not saying  
9 anything bad about Mr. Griffin, I'm sure he's an  
10 expert, but do we have enough experts?

11 CO-CHAIR McBRIDE: Mr. Griffin is the  
12 hydrologist, the peer reviewer that the Town decided  
13 to hire. We have used him for years, since I've  
14 been on the Commission. So I have no reason  
15 whatsoever to doubt his expertise.

16 MR. ARMANO: Okay. And how about in terms  
17 of hydrologists?

18 CO-CHAIR McBRIDE: He is a hydrologist.  
19 What about that don't people get? Bob Griffin is a  
20 hydrologist. Could everybody spread that around  
21 Town?

22 MR. ARMANO: Okay. And so what did -- when  
23 did we find out -- what did that study consist of,  
24 the hydrologist study?

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

74

1 CO-CHAIR McBRIDE: I don't know if you can  
2 remember it at this point, Bob, if it's fair to ask  
3 you to speak off the top of your head.

4 MR. GRIFFIN: Well, no.

5 What the Applicant has provided is a set of  
6 calculations that describe the storm water that will  
7 run off of the development during various design  
8 storms -- and we say "design storms," you know,  
9 there is a two-year storm, a ten-year storm, a  
10 100-year storm -- so they look at these different  
11 particular conditions, and then they -- you know,  
12 the water will go into catch basins and pipes and  
13 eventually these infiltration basins. And the  
14 purpose of these calculations is to estimate how the  
15 water will flow through this particular system and  
16 eventually head to the groundwater table or flow by  
17 over land towards Franklin Street. And that's --  
18 those are the calculations that I have reviewed.

19 Mr. White has, within the last week,  
20 provided an updated set of those calculations. I  
21 haven't had a chance to look at those calculations.  
22 I suspect they'll probably be okay only in that the  
23 first set of hydrology calculations, at least, I  
24 didn't see any flaw generally in the methodology.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

75

1 We've asked some questions about the calculations.  
2 He's provided some responses to those questions. I  
3 haven't had a chance to review all of that  
4 information yet, but I will do that in the coming  
5 weeks.

6 MR. ARMANO: Okay.

7 CO-CHAIR McBRIDE: Can I ask you with  
8 regard to the borings, Bob, do you have -- are you  
9 able to remember that off the top of your head?

10 MR. GRIFFIN: I know that I did receive  
11 another set of borings recently from Mr. White. You  
12 know, I'm going to guess there is probably 20  
13 borings in that set, and I think they were mostly  
14 shallow borings. I don't recall seeing any soft  
15 soil deposits in those soil borings, but for the  
16 most part I thought I saw gravels and pretty stiff  
17 ones at that. The blow counts, I think, were in the  
18 20s or something like that. So we have reasonably  
19 competent soils beneath the site.

20 Now, there is always the possibility that  
21 if Mr. White took borings down to 20 feet that there  
22 could be some soft soils occurring at 30, or 40, or  
23 50 feet or something like that. But in programs  
24 like this, it would be unusual to extend every soil

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

76

1 boring to 30 or 40 or 50 feet. When it comes time  
2 to design these buildings, I suspect that they will  
3 have a couple of deep borings located near the sites  
4 of the proposed buildings. They may have done such  
5 borings already.

6 But you would normally just take a few of  
7 these deeper borings, and if you found soft  
8 conditions in those few borings then you might  
9 spread out and say, "Okay. I'm going to take some  
10 more." But so far what I've seen indicate  
11 reasonably competent soils throughout the site,  
12 certainly sufficient for constructing parking lots  
13 and building buildings on.

14 MR. ARMANO: Okay. So I have one further  
15 question, and that's it.

16 So I -- the water that flows, it flows --  
17 the water flows around Weiss Farm, and then it goes  
18 underneath Franklin Street to -- there is a brook on  
19 the other side of Franklin Street that's behind  
20 Sunset, and that's -- who actually owns is that? Is  
21 that the Weiss Farm Trust?

22 CO-CHAIR McBRIDE: I think some of it is on  
23 private property. The gentleman you're talking  
24 about, I don't know how far back his land goes. I'm

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

77

1 sure Mr. Bennett owns part of the brook that's  
2 behind the property.

3 Does it end at the brook?

4 AUDIENCE MEMBER: Behind the brook.

5 CO-CHAIR McBRIDE: You own the property  
6 behind the brook?

7 AUDIENCE MEMBER: Yeah.

8 CO-CHAIR McBRIDE: But as far as the  
9 culvert is concerned, that's the Town.

10 MR. ARMANO: Okay. So the Town actually  
11 owns that culvert?

12 CO-CHAIR McBRIDE: The Town owns all the  
13 culverts.

14 MR. ARMANO: Okay. So that water will  
15 continue to flow down into that area?

16 CO-CHAIR McBRIDE: It will continue to  
17 what?

18 MR. ARMANO: To flow down, down into that  
19 culvert.

20 CO-CHAIR McBRIDE: I don't see anybody  
21 talking about changing that, so I guess that we are.

22 MR. ARMANO: Okay. Okay. All right. I  
23 don't have any --

24 CO-CHAIR McBRIDE: Did that answer your

Public Hearing - May 7, 2015  
Re 170 Franklin Street

78

1 questions?

2 MR. ARMANO: Yeah. It did.

3 I don't have any further questions.

4 CO-CHAIR McBRIDE: Thank you.

5 MR. ARMANO: Okay. Thank you.

6 CO-CHAIR McBRIDE: Anyone else? Cindy.

7 MS. HEMINGWAY: Cindy Hemingway, 14 Fells  
8 Road.

9 CO-CHAIR McBRIDE: Come up to the mic,  
10 Cindy.

11 MS. HEMINGWAY: Okay. So we've heard a lot  
12 of talk. We did the walk. I went on the walk. And  
13 I think what I would like to ask for the poor  
14 residents of all the roads that we've mentioned --  
15 Sunset, Gerald, our neighbors in Melrose, general  
16 Franklin Street area -- this could be years figuring  
17 out is Corcoran going to build this six story  
18 building? Or is there going to be a land swap? How  
19 many years could this take?

20 In the meantime, the poor people who live  
21 in that area, they're begging for relief. All we  
22 need is one, you know, another heavy rainstorm and  
23 they're going to continue to have flooding.

24 I guess my first question would be is, what

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

79

1 can somebody do to give the people who live in that  
2 area some relief and some hope that they won't  
3 continue to be flooded? I'm a homeowner. Most of  
4 you are homeowners. If you were in a situation of  
5 living in those areas -- Gerald, Sunset, Franklin,  
6 Melrose -- wouldn't you want an answer to that  
7 question?

8 That's my first question. I don't know if  
9 anybody can answer it.

10 Who responsible for giving the people who  
11 live in that area some hope for some relief?

12 CO-CHAIR McBRIDE: Well, I think it's not  
13 an easy answer. I think some of it is Weiss Farm  
14 for not functioning, not running the pump correctly  
15 and not having the weir be functioning. And that's  
16 not these guys yet; that's Donna, Mrs. Weiss. I  
17 think the culvert on Sunset is certainly the Town,  
18 but my understanding -- and I can't confirm this,  
19 because I haven't asked Bob Grover -- but I can call  
20 and ask him, go clean it out, see if that makes it  
21 any better.

22 But if that's not flowing well now, and  
23 people are getting flooding, I'm not quite sure what  
24 allowing it to flow better is going to do. I mean,

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

80

1 Mr. Bennett and Mr. Vetrano and those people, if  
2 right now, you walked it, it was barely moving. And  
3 if all of a sudden it gets cleaned out and the pump  
4 starts running, there is going to be more water.  
5 Doesn't that mean there is more water? So you know  
6 what I mean?

7 I'm not sure what the right answer is, but  
8 I can certainly ask about Mr. Grover about cleaning  
9 out Sunset, the culvert, see what his answer is.

10 MS. HEMINGWAY: I think we need to start  
11 somewhere. That might be a good place to start.

12 CO-CHAIR McBRIDE: Sure.

13 MS. HEMINGWAY: I'm told by people that  
14 live in the Doleful Pond area that usually -- or in  
15 the past has been full of water when the water was  
16 draining through Weiss Farm, because it's a stopping  
17 point or, like, a little holding -- you know, as the  
18 water makes its way to Ell Pond in Melrose is my  
19 understanding.

20 I understand from people who live in that  
21 area that it's very dry or empty now, yet there is  
22 all this water sitting on Weiss Farm, all this  
23 stagnant water, not only on Weiss Farm, but  
24 neighbors of Weiss Farm who live on Gerald Road, who

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

81

1 are begging for relief.

2 Okay. I guess if I may, my next question  
3 would be -- and I'm reading from a memorandum that  
4 was addressed --

5 CO-CHAIR McBRIDE: Cindy, I can't  
6 understand you. You've got to talk right into the  
7 mic.

8 MS. HEMINGWAY: Okay.

9 I have a copy of a memorandum here that was  
10 addressed to David Ragucci, Town Administrator, from  
11 Michael Dufour, who I guess, at that time, of  
12 November 22nd, 2010, was chairman of the Board of  
13 Appeals.

14 CO-CHAIR McBRIDE: From Michael who?

15 MS. HEMINGWAY: Michael Dufour,  
16 D-u-f-o-u-r.

17 It's a memorandum. It's dated  
18 November 22nd, 2010, regarding Weiss Farm, and if I  
19 may read from this memorandum.

20 CO-CHAIR McBRIDE: I'm not trying to be  
21 disrespectful, but does it have anything to do with  
22 this project and the Conservation Commission?

23 MS. HEMINGWAY: Yeah.

24 CO-CHAIR McBRIDE: Because I understand --

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

82

1     okay.

2                   MS. HEMINGWAY:   Yeah.   I believe that it  
3     does.

4                   CO-CHAIR McBRIDE:   Okay.

5                   MS. HEMINGWAY:   If it doesn't, and you need  
6     to shut me down, I understand.

7                   CO-CHAIR McBRIDE:   Okay.

8                   MS. HEMINGWAY:   A couple of small  
9     paragraphs:

10                                 "At the Board of Appeals meeting that  
11                                 was held on Thursday September 23rd, 2010,  
12                                 the members unanimously upheld the building  
13                                 inspector's order and determination of  
14                                 Weiss Farm.  Ms. Noble" -- "Ms. Noble's  
15                                 letter of May 21st to Weiss Farm, order to  
16                                 cease and desist of the composting  
17                                 operation, as well as activities related to  
18                                 composting.

19                                 "To date Weiss Farm has taken no  
20                                 action in response to this decision and the  
21                                 composting operation continues to be fully  
22                                 operational," as we know.

23                   CO-CHAIR McBRIDE:   That doesn't have  
24     anything do with us.  Sorry.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

83

1 MS. HEMINGWAY: Okay. But we've talked  
2 about the fact that the material that is on the  
3 Weiss Farm property right now has perhaps been a  
4 cause, a reason why a lot of these trenches that  
5 should be draining water away from Weiss Farm have  
6 been clogged up by this material.

7 So it seems to me that if, in fact, this  
8 memorandum dated 2010, that they're running an  
9 illegal operation there and they were given a cease  
10 and desist order, and they didn't cease and desist,  
11 and those trenches keep getting filled in because  
12 they're not being dredged, why is Weiss Farm  
13 continuing to operate their business there that,  
14 according to this memorandum, is illegal?

15 CO-CHAIR McBRIDE: I'm not trying to put  
16 you off.

17 MS. HEMINGWAY: I know.

18 CO-CHAIR McBRIDE: But that's a Zoning  
19 Board of Appeals issue, not Conservation Commission.  
20 So I don't even know about the detail of it, and it  
21 would be inappropriate for me to comment on it. But  
22 I would say contact the Board of -- Zoning Board of  
23 Appeals and ask them what the -- you know, what  
24 steps that have happened. But for us it's not

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

84

1 appropriate for us to answer because we don't have  
2 any information on it.

3 MS. HEMINGWAY: Okay.

4 CO-CHAIR McBRIDE: Unless Applicant has  
5 anything they want to say.

6 MR. CICATELLI: Madam Chairman, really  
7 that, I believe, had to do, perhaps, with different  
8 parties, neighbors complaining about odors and what  
9 was maybe a proper or not a proper farming  
10 operation, but has nothing to do with the  
11 residential use that we're proposing.

12 CO-CHAIR McBRIDE: Okay. Anybody else?

13 Mr. Wilson.

14 MR. WILSON: Russ Wilson, Tamarock Terrace.

15 CO-CHAIR McBRIDE: Right up to the mic.

16 MR. WILSON: Closer? We'll try it again.

17 Russ Wilson, Tamarock Terrace.

18 I think the last issue which was brought up  
19 by Cindy Hemingway was directly on target. It  
20 happens to be out of your purview for a decision,  
21 but it happens to be relevant Weiss Farm, so I just  
22 wanted to make a comment on that.

23 CO-CHAIR McBRIDE: Oh, yeah.

24 MR. WILSON: I don't think we're in a

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

85

1 position here to play judge and jury tonight. I  
2 think offering blanket condemnations of a certain  
3 approach is inappropriate.

4 What I got up to say was I would like to  
5 find out who the experts are in this project. I  
6 keep hearing information flying back and forth. I  
7 need to know who the people are, what companies they  
8 represent, what their area of expertise is, who's  
9 paying the bill.

10 CO-CHAIR McBRIDE: You mean on our end or  
11 on their end?

12 MR. WILSON: On all ends.

13 CO-CHAIR McBRIDE: On our end --

14 MR. WILSON: So I understand where the  
15 information comes from and what their interest is.

16 CO-CHAIR McBRIDE: Right. Decided by the  
17 Town, Bob Griffin is the --

18 MR. WILSON: I would like a spreadsheet on  
19 it. I would like the information so it can be  
20 spread out across the neighborhood. Okay?

21 CO-CHAIR McBRIDE: There is three people  
22 that we've hired, these three right here. None of  
23 them are secret.

24 MR. WILSON: And that's it?

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

86

1 CO-CHAIR McBRIDE: They were all done in  
2 open meetings, you know, our public hearings.

3 So it's Bob Griffin, peer reviewer  
4 engineer.

5 MR. WILSON: I understand who the three  
6 here are.

7 CO-CHAIR McBRIDE: Okay.

8 MR. WILSON: I think it's important to  
9 maybe spread our wings a little bit, get a little  
10 more expertise in a broader sense, because this is a  
11 little too serious to approach it the way we are.  
12 We need to know, again, what information is  
13 available, needs to be available in summary form, so  
14 we can understand --

15 CO-CHAIR McBRIDE: Can you give me some  
16 sense about what you feel you're missing?

17 MR. WILSON: Excuse me?

18 CO-CHAIR McBRIDE: Can you give me  
19 specifics about what you feel you're missing, or  
20 these three folks are missing?

21 MR. WILSON: Name of the company, name of  
22 the individual, area of expertise, who's paying the  
23 bills, what they studied and what the conclusions  
24 are. I pay a lot in taxes. I would like to see it.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

87

1 CO-CHAIR McBRIDE: Yeah.

2 I mean, I guess we can put something  
3 together, but it's like -- all of these people have  
4 been decided at public hearings, so it's not like,  
5 you know, the town decided who is --

6 MR. WILSON: That's not what I'm arguing.

7 What I'm arguing is I would like to have a  
8 simple approach to it so everyone can understand it.

9 CO-CHAIR McBRIDE: I don't know that  
10 anybody doesn't understand it. So that's, I guess,  
11 what I'm saying. Certainly we can ask Cathy to put  
12 a spreadsheet together with their names on it, but  
13 we only have these three.

14 MR. WILSON: Mr. Griffin, for example, has  
15 a report that runs several hundred pages.

16 Is that correct, Mr. Griffin?

17 MR. GRIFFIN: No. I reviewed a report that  
18 was prepared by Mr. White's company that was several  
19 hundred pages long. Mine -- what I was asked to  
20 prepare was a list of comments about it, and I did  
21 prepare a couple of letters at this point posing  
22 questions back to the Applicant, which they have  
23 largely addressed. My letters are, you know, three,  
24 four, five pages long. They're not that long.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

88

1 MR. WILSON: Understood.

2 And so all the underlying information runs  
3 hundreds of pages, and so a summary is appropriate.

4 CO-CHAIR McBRIDE: That's been provided.

5 MR. GRIFFIN: Well --

6 MR. WILSON: Five-page summary?

7 MR. GRIFFIN: -- again, my -- my letter  
8 that I wrote is a list of comments on the materials  
9 that I have reviewed. The reports that were  
10 prepared by Mr. White's company generally do include  
11 a summary section and that may be something that  
12 could be posted.

13 MR. WILSON: Okay. I understand what  
14 you're saying, and I do appreciate it.

15 What I want to appreciate is that if we  
16 have a spreadsheet and we have decisions, clear-cut  
17 decisions, and something goes wrong, we know whose  
18 license to look for. It's that simple. If you're a  
19 professional surveyor and you screwed up, then  
20 you're going to be looked for, okay?  
21 Responsibility. That's why they're licensed. And  
22 if we're not going to put that down and make it  
23 clear, then it's not worth doing any of this.  
24 And -- Bill's here. We'll pass it through Bill

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

89

1 Solomon to get it to the Town Administrator. That  
2 will be done.

3 Thank you.

4 CO-CHAIR McBRIDE: Do you have any comment,  
5 Bill?

6 MR. SOLOMON: I agree.

7 CO-CHAIR McBRIDE: Wow. That was  
8 impressive.

9 Go ahead. Name and address.

10 MS. PECORARO: Mary Pecoraro. I live on  
11 Walsh Avenue about a half mile from Weiss Farm.

12 I believe I asked this question once  
13 before, but I'm -- I'm not sure that it was  
14 answered.

15 I know that when they do highway projects  
16 and you're driving by you'll see, in order to  
17 protect the wetlands they put up hay bales and black  
18 plastic and stake it down to keep water and residue  
19 from entering sensitive areas.

20 When I drive by Weiss Farm for the last few  
21 years at one end -- I guess it's the western side --  
22 there is hay bales and plastic and stakes. And  
23 around behind where the pumping station is there is  
24 also hay bales and black plastic and stakes. And

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

90

1 they -- I saw someone the other day. It seems to me  
2 that they were making sure that that was an even  
3 better barrier than before.

4 And I'm wondering for what reason are the  
5 hay bales all over Weiss Farm in different areas and  
6 what's their purpose? Are they to contain water?  
7 Or to redirect flow? Or are they going to change  
8 the topography of the land? I'm just curious as to  
9 what the purpose of those hey bales are.

10 CO-CHAIR McBRIDE: I think I can answer  
11 that for you.

12 MS. PECORARO: Thank you.

13 CO-CHAIR McBRIDE: And I don't know if you  
14 remember now if it was 2010 or 2012. Donna Weiss  
15 asked for -- I always get the acronym wrong, but she  
16 basically wanted us to delineate the wetlands along  
17 with her wetlands scientist. So Bob Griffin was the  
18 wetlands scientist that we hired to do that -- the  
19 peer reviewer. Mary Rimmer was the wetlands  
20 scientist.

21 And the hay bales were put up to protect  
22 the wetlands. In fact, whenever there is project --  
23 and it was determined that Donna -- Mrs. Weiss'  
24 mulching business could possibly, during a rain

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

91

1 storm, run off into the wetlands.

2           So it became apparent to us during the site  
3 visit that there were some issues with the hay bales  
4 and that some of are them degraded and they need to  
5 be replaced. And that actually isn't an issue for  
6 Corcoran, as much as I would like to do it, because  
7 I think you would fix it right away, but that's more  
8 of an answer with the Conservation Commission and  
9 Mrs. Weiss and Weiss Farm proper as it now. We  
10 would want to contact them and say, "You need to fix  
11 this, among a few other things."

12           Did that answer your question?

13           MS. PECORARO: Yes, it does. Thank you.

14           Maybe this is not your bailiwick or  
15 whatever.

16           If you she's -- also the business that she  
17 has there of the loam and the mulch and all of that,  
18 is that consistent with being a farm?

19           CO-CHAIR McBRIDE: That isn't our purview.  
20 I don't know the answer to what.

21           MS. PECORARO: Okay. Because I'm wondering  
22 about that, too.

23           CO-CHAIR McBRIDE: Mr. Wantman.

24           MR. WANTMAN: I would like the pointer and

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

92

1 I would like the slide of the North Meeting House  
2 Brook put back up, please.

3 If I can use it.

4 CO-CHAIR McBRIDE: Marty, you might come up  
5 to the mic.

6 There you go. Thank you.

7 MR. WANTMAN: Let me just test this to see  
8 if I can do it. Okay. I've got to take my glasses  
9 off.

10 Okay. This is Weiss Farm over here.  
11 Everyone can see it. North is the direction I'm  
12 pointing. This slide is oriented so that this is  
13 east; this is west; this is south; there Franklin  
14 Street, and that's north. This is the North Meeting  
15 House drainage swamp that everyone's talking about.  
16 That says "north"; that says "meeting house." This  
17 is referred to all the time.

18 I have larger maps that show the flow. I  
19 don't know how they can be displayed, but there are  
20 arrows on this map that show the flow coming from  
21 the north, coming from the west, coming from this  
22 direction; and the flow goes right here. It says  
23 "flow" and it leaves the property.

24 There are ditches on Weiss property on

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

93

1 their lot line right here (indicating). Weiss  
2 signed the easement document because it drains  
3 Weiss' property. There are -- where -- that don't  
4 show on this map, but of course I do have other maps  
5 and you have them in your possession -- that show  
6 historical ditches on Weiss.

7 There is a westerly one that comes from the  
8 east that drains, Ellen Road and Tamarock Terrace.  
9 It goes from east to west. It's been altered in  
10 2000 --

11 CO-CHAIR McBRIDE: Marty, can I just ask  
12 you a question. Did you give a copy of this map  
13 that you gave to us --

14 MR. WANTMAN: I did.

15 CO-CHAIR McBRIDE: Thank you.

16 MR. WANTMAN: I gave a copy to him, yes,  
17 and a few copies to you.

18 So is it Hildegard? It's a tough name for  
19 me.

20 MS. HEGEMANN: No.

21 MR. WANTMAN: She was representing that  
22 there were a number of historical ditches --

23 CO-CHAIR McBRIDE: It's Ingeborg.

24 MR. WANTMAN: Ingeborg.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

94

1 MS. HEGEMANN: But I've been called  
2 everything in the book.

3 MR. WANTMAN: I'm sorry. Too many names  
4 for me.

5 There are other maps that show historical  
6 ditches on Weiss Farm. Because it's a very flat  
7 area, the water could go -- the water could  
8 potentially flow north; the water could potentially  
9 flow west, east, any direction, because it's very  
10 flat.

11 Historically, Weiss used to drain to the  
12 west. There was some filling that went in on these  
13 properties. I'm not sure precisely what is  
14 affected, but these are, in actuality, mostly on the  
15 lot lines so they wouldn't affect any of the  
16 property owners. If these ditches were  
17 reestablished Weiss would be able to connect back to  
18 those ditches that were intended to drain Weiss and  
19 drain to the west. That has not been discussed in  
20 any detail tonight, and that is a large solution to  
21 the problem of the flooding.

22 I, unfortunately, have a busy life and  
23 made, like, an 80-page submission to the  
24 Conservation Commission late yesterday afternoon to

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

95

1 Cathy Rooney. Apparently she had some problems with  
2 the color photographs were kicked back to her, so  
3 you don't have them. And I made a number of copies  
4 of my submission, and I don't believe that they were  
5 disseminated to the Corcoran Group.

6 Basically what I submitted was information  
7 on the pump that was asked for that was not  
8 submitted prior, pictures of people replacing the  
9 pump without the use of the access road, and then a  
10 quick letter from Donna Weiss to the Board of Health  
11 indicating that Bob Grover of the public works has  
12 been informed that the pump is working to full  
13 capacity but it's having difficulty flowing across  
14 the street.

15 The next document is a schematic under  
16 Franklin Street. And, according to what I've read,  
17 part of the problem is the reconstruction of  
18 Franklin Street during the year 2000. And what I've  
19 read -- and I can't verify it because I can't go  
20 underground -- is once the water leaves the pump  
21 house, it has to go up hill and then down hill to  
22 cross Franklin Street.

23 So one of the -- I also submitted what I  
24 consider the most significant of the annual reports

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

96

1 that I believe Attorney Witten might have been  
2 asking the Applicant to get from Weiss Farm. And it  
3 is made by the engineer for Weiss, and it includes  
4 remedial actions that were already looked at by the  
5 engineers.

6 The first remedial action is to reapproach  
7 the Town to ask the Town to dredge the outfall area  
8 west of the Franklin Street. I have been asking for  
9 the same thing for a good decade, if not 15 years.  
10 Weiss needs to drain west once again.

11 The second recommendation is to approach  
12 the Town as to accepting additional flows downstream  
13 by permitting a direct hose discharge into the  
14 culvert on Franklin Street. So the way I understand  
15 that, it would that be like putting a finger cot  
16 over the outflow pipe at the pump house, threading  
17 that finger cot under the street so that it directly  
18 discharges into the culvert south of Franklin Street  
19 instead of a good portion of it going back to Weiss.

20 I will have to tell you that we all looked  
21 at the pump house and saw the pump was pumping; but  
22 nobody, absolutely nobody, realized that the pump  
23 was not pumping to full capacity, except for  
24 Mr. Sorenson, who Managed the Weiss Farm for

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

97

1 36 years with my help -- wait a minute. I didn't  
2 manage Weiss for 36. Walter worked there for 36  
3 years.

4 Walter and I managed the water flow and  
5 kept the flooding from occurring on Weiss Farm from  
6 approximately 1985 until approximately 2004. During  
7 this time period, there was no weir. I have  
8 submitted photographs -- I gave them to Cathy --  
9 that show the earthen dam in place in 2002 and 2003,  
10 while Weiss was running their large facility and  
11 there was no flooding. Simply control the earthen  
12 check dam because the weir -- which is, in other  
13 words, a dam -- is made up of Jersey barriers and  
14 sunk into the ditch, and everyone saw it's leaking.

15 If earth -- if there was an earthen dam put  
16 in there, it could be controlled and maintained to  
17 allow the water from the north of Weiss -- that  
18 would be all of this area here -- it could be  
19 controlled and the water flow could be adjusted so  
20 that the pump could hold up with it -- I mean keep  
21 up with it, and there would be no flooding on Gerald  
22 Road.

23 I have historical video that shows the  
24 earthen dam in place, and my flooding disappears in

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

98

1 approximately 15 hours. It would cost no money.  
2 It's easy maintenance, and it would be advisable for  
3 the Applicant to test my method and see if that  
4 eliminates the flooding with no expense and no  
5 engineering. Simply put some material back in the  
6 earthen dam and operate it as it was in the past for  
7 17 years.

8 His next recommendation is to use a dense  
9 siltation fabric or soil -- look at that; I didn't  
10 even recognize that -- or soil, earth, to plug the  
11 leaks at the check dam and evaluate the back flow.

12 So I'm in agreement with Weiss' prior  
13 engineer. And this was written, I think, in 2011.

14 He does not talk about draining to the  
15 west, but I also supplied you with four engineering  
16 reports. The first engineering report was done in  
17 2000 -- no. Excuse me. The first engineering  
18 report was the engineering report that was done --  
19 it's entitled "The Drainage Study for the Inland  
20 Road and Tamarock Terrace Extension." It was done  
21 in October 16th of 1985.

22 And the first paragraph indicates that the  
23 Ellen Road and Tamarock Terrace Extension basically  
24 goes to White -- Weiss and then the site, in

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

99

1 general, flows in a westerly direction towards  
2 Franklin Street where it is part of a 177-acre  
3 watershed.

4 So the drainage study that Ellen Road and  
5 Tamarock Terrace was developed with indicated that  
6 the flow from Weiss would be to the westerly  
7 direction.

8 I also supplied you with topographical --  
9 the definitive plan for Ellen Road and Tamarock  
10 Terrace Extension. It's entitled "Topographical and  
11 Grading Plan," and I blew up the significant parts,  
12 which shows the water flowing in a westerly  
13 direction once it hits the ditch.

14 I also supplied you with a photograph of  
15 the force of the water as it leaves Ellen Road  
16 Extension, and I entitled it with "The Pipe Outlet  
17 draining Ellen Road Extension during a rainstorm."

18 As seen, a forceful waterfall is created as  
19 Ellen Road drains quickly. The water enters Weiss'  
20 property faster than it can presently leave. That  
21 was from 2006, and it's still the case.

22 The next document I supplied you with is an  
23 engineering report done by Benchmark Survey in 2007.  
24 That engineering report -- report also has

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

100

1 recommendations how to remedy the situation. They  
2 suggest providing downstream detention and retention  
3 and flood storage. They suggest cleaning and  
4 maintaining as such the existing drainage swales --  
5 and a "swale" is another word for a ditch. They  
6 suggest that all site activities on the Weiss  
7 property comply with best management practices.  
8 They suggest proper maintenance at the existing pump  
9 at Franklin Street. They suggest cleaning and  
10 maintaining the culvert under Franklin Street, and  
11 they also suggest cleaning and maintaining  
12 downstream drainage swale on the southerly side of  
13 Franklin Street.

14           The next document I supplied you with is a  
15 crucial document from 2010 from Benchmark Survey,  
16 and it's a drainage review of the R.J. O'Connell  
17 report that I also supplied you with, which would be  
18 the fourth engineering report that I supplied you  
19 with, and the engineering report that I mentioned  
20 during the last meeting.

21           In this report by Benchmark Survey, it  
22 shows you the watershed overview; it shows you the  
23 watershed soils overlay, and it references a  
24 drainage divide by others. It shows you that the

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

101

1 drainage ditches are separated. And I agree with  
2 the drainage ditch -- I mean with the drainage  
3 divide by others, and that's what am pressing for,  
4 that that drainage divide -- which I would call a  
5 blockage in the ditches -- is opened up so the water  
6 can flow west again.

7           Furthermore, it has all of the elevations  
8 of the pump house. It has the elevations of the  
9 wetlands. It has elevations along the ditch. It  
10 has elevations of my tennis court, elevations of the  
11 tennis court and wetlands, and it has photographs  
12 and elevations of the culvert on the southern side  
13 of Franklin Street and also the culvert on the north  
14 side of Franklin Street that drains to and through I  
15 believe it's the Brookmeadow Condominiums, and a  
16 photograph of the Brookmeadow Condominiums.

17           The next document is an engineering report  
18 by R.J. O'Connell, who was retained by the Town  
19 during the litigation that previously occurred. And  
20 that report is accompanied by a map that shows  
21 approximately where the water flows from various  
22 directions. It has an approximate drainage divide,  
23 which I cannot disagree with, but I would like to  
24 see no drainage divide. I would like to see the

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

102

1 ditches reconnected and the water flowing off of  
2 Weiss in a westerly direction.

3 The next document included in there is  
4 compliance inspection summary from March of 2009,  
5 done by the DEP, concerning the Administrative  
6 Consent Order.

7 The Administrative Consent Order, which  
8 I've read, indicates that the Administrative Consent  
9 Order is in effect as long as Weiss operates their  
10 property in the manner that it has been operated.  
11 So the Administrative Consent Order is in effect  
12 today.

13 The violations that the DEP found were very  
14 similar to the violations that I saw and pointed out  
15 to the Conservation Commission while we were on the  
16 walk. The pump access road was allowed to be  
17 flooded, it says here. We saw the pump access road  
18 flooded. This access road -- and then it talks  
19 about this pump access road, which is sunk from the  
20 continual flooding, and that the pump access road  
21 has -- the pump access road has settled and  
22 sunk -- sunk due to prolonged periods of flooding  
23 and is causing more problems and more flooding.

24 So I'm hoping that the pump access road,

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

103

1 which is useless, is going to be removed.

2 I also included in there pictures of the  
3 pump being replaced from the street, which is an  
4 indication that the pump access road is ridiculous.  
5 It didn't need to be put in there. Somebody didn't  
6 know what they were doing, and they recommended a  
7 pump access road.

8 I also included the photographs that the  
9 DEP found on their site visit, and it looks  
10 uncannily like Weiss Farm does today, six years  
11 later.

12 The next document that I included was one  
13 of, I think, the more important documents that was  
14 asked for, and I think I already discussed that it  
15 was Weiss' annual report from 2011, and I believe it  
16 was the last annual report submitted to the DEP. I  
17 believe that they did not submit annual reports from  
18 2012 and 2013, and they were -- they were required,  
19 but not done.

20 The next document is entitled "drainage  
21 concern" and it's from the Stoneham Conservation  
22 Commission, which I was in front of I don't know how  
23 many times, but this was from 2010. And it begins  
24 with "continued discussion with Mr. Wantman

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

104

1 regarding the backed up drainage at Franklin  
2 Street."

3 The last two bullet pints indicate:

4 "Bob Conway" -- who was the eminent  
5 chairman of the Conservation Commission --  
6 "will contact the DEP" -- the Department of  
7 Environmental Protection; and that would be  
8 Mr. Ron Stelling -- "to get information on  
9 the western portion of the job and his  
10 desire to get water flowing in a westerly  
11 direction off of Weiss Farm."

12 So we now have the Department of  
13 Environmental Protection stepping in and the  
14 Conservation Commission chairman agreeing with  
15 Wantman, water needs to leave Weiss' property in a  
16 westerly direction.

17 The last bullet point is unfortunate, as it  
18 indicates:

19 "Dan Dragone" -- who no longer works  
20 for the DPW -- "has a staffing shortage  
21 and funding issue holding up the start of  
22 the work."

23 The following document that I submitted is  
24 a document, an e-mail between myself and the

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

105

1 Massachusetts DEP Office of General Counsel -- that  
2 would be Heidi Zisch -- the chief regional counsel  
3 of the northeast region.

4 And she indicates -- because I had met with  
5 some impasse in attempting to get the westerly  
6 ditches reopened -- that the work could be  
7 considered exempt from regulation because it could  
8 be considered routine maintenance.

9 And I have documents that I did not submit  
10 indicating that the Board of Selectmen, I believe it  
11 was in 1999 -- they might have been submitted to  
12 you, but not with this submission -- but Bob Grover  
13 partially cleaned out the North Meeting House ditch  
14 system, but it was not cleaned out entirely.

15 And my letter to the DEP indicates -- it's  
16 very brief -- and I asked the DEP to draft a letter  
17 to the Town of Stoneham giving the DEP blessing and  
18 encouraging the Town of Stoneham to clean out the  
19 North Meeting House Brook easement all the way to  
20 Weiss and also to clean out the ditch south of the  
21 pump house.

22 I then asked, "Could you encourage Weiss to  
23 connect to the westerly ditches thereafter?" I then  
24 indicate:

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

106

1                   "The check dam is still leaking, and  
2                   the more head pressure, or water pressure,  
3                   behind it, it releases the backed up water  
4                   to the south."

5                   I didn't indicate, but the DEP knows, that  
6                   I'm subject to flooding under those conditions.

7                   The next document is a document to Ron  
8                   Stelline from 2010. And during the walk through I  
9                   indicated that there was approximately 100 tons of  
10                  rubble that was jammed into the wetlands ten feet  
11                  from my lot line extending 110 feet long, and I  
12                  found it offense, and no one could see it because  
13                  the property was flooded.

14                  So this document is an indication from  
15                  Weiss' engineer -- and their attorney is copied in  
16                  on it -- indicating that, indeed, there is debris in  
17                  that area, but they estimated it only 20 to 30 cubic  
18                  yards. I then include a terrible black and white  
19                  picture, but that's what it looks like. It looks  
20                  terrible.

21                  My next document is a document from the  
22                  prior attorney for Weiss -- that would be Bergdorf  
23                  Goodman -- from 2005 indicating that when they  
24                  applied material to the southern meadow, that all

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

107

1 that was applied was winter rye seed, was compost  
2 generated on the farm to aid in seed germination.  
3 And the bottom of that I indicate that compost is  
4 generated predominantly from off site.

5           There is very little grass on Weiss Farm.  
6 It's mostly dirt in piles, mulch piles and compost  
7 piles, and it's material taken in from landscapers.  
8 And I would love to know where it's coming from, and  
9 I would love to know what's in that compost.

10           The next document is a series of six  
11 photographs that show Weiss adding compost to the  
12 southern meadow in a twice failed attempt to plant  
13 winter wheat in an area notoriously flooded. Winter  
14 wheat needs a well-drained soil to germinate. The  
15 seed washed away and the material added to the area  
16 reducing water storage capacity. No notice of  
17 intent for the work, no request for determination of  
18 applicability.

19           That action was, I believe, the reason that  
20 the DEP got involved with Weiss and was the reason  
21 for the Administrative Consent Order.

22           The next document is the only document that  
23 has a compost analysis report from Weiss, and it's  
24 from the year 2009. And it has a number of heavy

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

108

1 metals in there that are carcinogenic, and I would  
2 tell you that -- Weiss will tell you that the  
3 arsenic, cadmium, copper, lead, mercury,  
4 molybdenum -- I'm not a chemist, and I don't  
5 pronounce it -- nickel, selenium and zinc -- that's  
6 nerves -- were within the federal guideline levels,  
7 but I would like to know what was if in the compost  
8 when they were adding it to the southern meadow in  
9 2006, and I'm suggesting that it should be tested.

10 The next photograph comes out -- or it's  
11 not a photograph; it's a document from Google. It's  
12 an overhead shot of the Weiss Farm area, and it's  
13 really not very good in black and white, but in  
14 color it shows you that there is a bit of -- well,  
15 it shows the ditch system, basically.

16 And I'm almost done with this submission.  
17 I'm going to refer to -- is it --

18 CO-CHAIR McBRIDE: Ingeborg.

19 MR. WANTMAN: Ingeborg asked about what  
20 Weiss calls a berm -- what I call a rough fill  
21 pile -- that I believe we determined it was in the  
22 wetlands at the last meeting, and she wanted to know  
23 when it was -- or how long it's been there.

24 And this document was taken off of the

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

109

1 Internet. It's labeled 2008, and it shows an  
2 excavator and a screener removing that said pile.  
3 Both Walter and I believe that that, in actuality,  
4 that occurred in 2006.

5 The next document again during the walk  
6 through Ingeberg -- I'm sorry. I really am.

7 MS. HEGEMANN: Borg.

8 MR. WANTMAN: Mrs. -- Ms. Whatever.

9 This document is a picture that I took in  
10 1994, and it is labeled "1994" re -- "reconfiguring  
11 the easterly ditches after packing rough fill in the  
12 wetlands," and there is a picture of a backhoe in  
13 there as it's completing the job.

14 The last picture has been mentioned is the  
15 historical pictures that I was able to take in the  
16 North Meeting House easement ditches west of Weiss  
17 in 2008, and they do show what the gentleman for  
18 Corcoran was describing -- tires, debris, milk  
19 crates and blockages in the westerly ditches.

20 So I have -- I would implore you to enforce  
21 the Administrative Consent Order, to force Weiss to  
22 get the water off, the sediment off of the pump  
23 access road as required by the Administrative  
24 Consent Order.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

110

1           She can do it very easily. All she needs  
2 to do is to have one of her men reemploy the earthen  
3 check dam. Although the pump is not running to full  
4 capacity now, both Walter and I have looked at  
5 historical video of the pump running prior, and we  
6 think it might be running at around 70 to 75 percent  
7 right now. If they were to employ the earthen check  
8 dam, the water would be off the access road the  
9 following day and she would be in compliance. Not  
10 only would the water be off the pump access road,  
11 because we all agree that this is a very flat  
12 property, the water would be off of my property and  
13 that would make me a little happier than I am.

14           So in summation, I am in agreement that the  
15 southern ditches where the pumps need to be cleaned  
16 out. There are already on the books reasonable  
17 recommendations with the pump and how to repair that  
18 situation. I would implore you to cooperate and  
19 look into reopening the western ditches. And if  
20 those two things were done, I think then we could  
21 reconvene, Corcoran would be better served because  
22 much of the water that is on Weiss Farm -- and I  
23 will tell you I have never seen that much water on  
24 Weiss Farm. I have not been on the property to look

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

111

1 at the ditches in seven years, and I was amazed at  
2 how much water it's holding. I have never seen  
3 those ditches that full. I saw no flow going west.  
4 All the water that comes off of Ellen Road in a  
5 significant amount --

6 I wanted to point out to the people that a  
7 ditch, they could see that the water was going south  
8 and the water was going -- I mean at the bridge in  
9 the northwest region. Do you know where I'm talking  
10 about? I wanted to point out to you people that  
11 when the water left Ellen Road it was going west and  
12 it was going south, but you couldn't see that  
13 because that ditch was so full. You couldn't see  
14 where the flow was going.

15 Years ago, there was no water. When you  
16 were standing on that bridge, years ago you didn't  
17 need that bridge to cross. You just walked across,  
18 unless there was a heavy downpour. There were two  
19 corrugated pipes -- you could hop, skip and jump  
20 over them -- and you could see the water was going  
21 south and the water was going west. Now the water,  
22 you can't tell where it's going, because there is so  
23 much water being held on the property.

24 So in summation I'm asking for cooperation.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

112

1 The water is supposed to be flowing west. I have  
2 been flooded for a good 11 years now. I would  
3 challenge the wetlands person second from the left  
4 to come up with a photograph. You said last time  
5 that you saw the ditches dry. I haven't seen my  
6 tennis court for 13 months until today, and it's  
7 ugly. It has sunk significantly. It's just an  
8 untenable position for me, and it's easily resolved.

9 And I'm listening to all this chatter, and  
10 it sounds like -- Walter and I can show you how to  
11 run the property, and we can show you how to run it  
12 for short change in ten minutes.

13 That's about all I have to say.

14 CO-CHAIR McBRIDE: Thanks, Marty. I have a  
15 question. Marty.

16 MR. WANTMAN: Please.

17 CO-CHAIR McBRIDE: I have a question.

18 At the very beginning when you talked about  
19 the flow coming off the pump going under Franklin  
20 Street to Sunset Road culvert, you said -- I forget,  
21 did you say someone said it had to go uphill?

22 MR. WANTMAN: FSL said that, Weiss'  
23 engineers.

24 CO-CHAIR McBRIDE: And did it have --

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

113

1 MR. WANTMAN: And if you read these  
2 documents, you will see that the DEP said that  
3 Weiss' engineers were telling them stories, and so I  
4 would ask anyone who is reading these documents to  
5 verify. I would ask the people who went on the  
6 walk, especially, they would be able to see this and  
7 realize that some of this is -- is crazy stuff.

8 CO-CHAIR McBRIDE: So my question is do you  
9 know if it goes uphill because it was --

10 MR. WANTMAN: I don't know.

11 CO-CHAIR McBRIDE: -- from debris?

12 MR. WANTMAN: I can't see under Franklin  
13 Street better than anyone else. It was written by  
14 FSL. I did not submit that because I don't know if  
15 it's true or not. I don't know how they determined  
16 that the water has to travel uphill under Franklin  
17 Street. I did supply that document. I don't know  
18 if anyone has it. Maybe one of the engineers can  
19 read it right now and tell you. I can pass it over.

20 CO-CHAIR McBRIDE: I didn't know if you  
21 knew the reason for it.

22 MR. WANTMAN: I'm sorry?

23 CO-CHAIR McBRIDE: You answered it. Thank  
24 you.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

114

1 MR. WANTMAN: I would like to give one of  
2 these packages to Corcoran --

3 CO-CHAIR McBRIDE: Sure.

4 MR. WANTMAN: -- and maybe they can look  
5 through this.

6 And I'm going to just repeat, I would ask  
7 that Corcoran and the Town work cooperatively to  
8 reopen the westerly ditches to remove the water, to  
9 stop the flooding. They'll have a better project.  
10 The neighborhood will be better served. The water  
11 won't go to Melrose. It will go to Doleful Pond  
12 where it's supposed to, and that will make the  
13 southern area very manageable.

14 The other thing I suggested to Corcoran  
15 when they came to my house is the Administrative  
16 Consent Order allows Weiss -- and I would assume  
17 they would allow Corcoran the same option of  
18 utilizing a number of dams in the north/south ditch.  
19 If Corcoran were able to open the westerly ditch  
20 system, then they could employ an earthen check dam  
21 where the bridge is and compel all the water from  
22 Ellen Road, Tamarock Terrace, Beacon Street and the  
23 rest of the subdivisions north of Weiss to travel  
24 west. Consequently there will be less flooding on

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

115

1 Sunset Road and probably less flooding on Gerald  
2 Road, if not eliminating the flooding all together.

3 Any questions? Any comments? Any reason  
4 why this can't be done? That would be my final  
5 question. Why can't we cooperate, people?

6 CO-CHAIR McBRIDE: I'm hoping we can.

7 MR. SOLOMON: May I ask two questions?

8 I'm Bill Solomon, Town Counsel.

9 MS. DAY: Just hold on for one second.

10 Cathy, the memory's full? Are we good with  
11 the transcript?

12 CO-CHAIR McBRIDE: We have a tape issue.

13 MR. SOLOMON: Thank you.

14 I think I have Ingeborg's first name down,  
15 but I don't have Jim's last name.

16 So your last name, Jim?

17 MR. WHITE: White.

18 MR. SOLOMON: White. Thank you.

19 Just if I may, just a few questions.

20 Having heard --

21 CO-CHAIR McBRIDE: I'm sorry to ask you  
22 this. Name and address for the record.

23 MR. SOLOMON: William Solomon, Town  
24 Counsel.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

116

1 CO-CHAIR McBRIDE: Thank you.

2 MR. SOLOMON: I've heard from folks about  
3 the site visit that you went on, also, and I think  
4 we've heard a little bit today.

5 And what strikes me is that there was a  
6 tremendous amount of water on the site, and so I  
7 thought it was fair to ask -- because you've been  
8 fair and straight, and you want to me -- is it -- is  
9 it fair to say that the amount of water that was on  
10 the site on the day of the site visit was more than  
11 you've ever seen before on that site?

12 MR. WHITE: That is the most -- that's the  
13 most water I've seen on the site, yes.

14 MR. SOLOMON: Okay. And is it also fair to  
15 say that -- that -- and this is a subjective  
16 question; but again, I think it's capable of a  
17 straight answer -- is it fair to say that you were  
18 surprised by the amount of water you saw on that day  
19 on the site?

20 MR. WHITE: I don't know I would say  
21 surprised. We have had --

22 MR. SOLOMON: Was it --

23 MR. WHITE: -- an enormous amount of snow  
24 this past winter. We had rain. I anticipated that

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

117

1 the water would be high on the site.

2 MR. SOLOMON: Okay.

3 CO-CHAIR McBRIDE: I'm sorry. Would you  
4 repeat that closer to the mic, please.

5 MR. WHITE: I'm sorry.

6 I said we had a tremendous amount of snow  
7 this past winter. There was the snow melt and rain  
8 we've had. And I anticipated that the water would  
9 be high on the site.

10 MR. SOLOMON: Would it be fair to say that  
11 the amount of water was unexpected, even though it  
12 wasn't surprising?

13 MR. WHITE: I really can't answer that.

14 MR. SOLOMON: Did you expect to see that  
15 amount of water?

16 MR. WHITE: I expected the water to be  
17 high. I didn't calculate how high the water was  
18 going to be. I anticipated the water would be high.

19 MR. SOLOMON: And you, today, in your  
20 proposal you've submitted, had some new proposals.  
21 Attorney Witten's indicated some were comments, but  
22 you indicated that there were some proposals for the  
23 pumping station and with clearing some drainage out  
24 and another proposal.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

118

1           Did those proposals come about, in part,  
2 because of the conditions you saw on the site visit?

3           MR. WHITE: One condition that I did see on  
4 the site visit that I wasn't aware of was the Sunset  
5 Road culvert being clogged, and so that  
6 recommendation was based on the site visit that day.

7           MR. SOLOMON: And the other, the other  
8 recommendations, did those come about because of  
9 what you observed, you tried to respond to that?

10          MR. WHITE: It's from previous inspections  
11 of the site.

12          MR. SOLOMON: Okay. And may I ask, if you  
13 have an answer, why is it that -- I understand this  
14 is a process back and forth, and you're trying to  
15 respond and you're trying to do a good job.

16                 So people understand what the thought  
17 process is, why is it that those recommendations  
18 were not recommendations you made earlier? How come  
19 they were made now and not earlier?

20          MR. CICATELLI: Madam Chairman, this is a  
21 little bit inappropriate.

22                 The study that we just gave you was at the  
23 request of the Commission, as Bill knows, and it was  
24 just submitted tonight. But that was a request that

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

119

1 the Commission made for the study, the watershed  
2 study, and it was provided tonight.

3 MR. SOLOMON: But I'm trying to understand  
4 what the -- in other words, whether it was -- as was  
5 asked by folks -- there is a comprehensive look of  
6 what's the challenge.

7 I know as a lawyer and things sometimes  
8 people want to do a law or a remedy, and I always  
9 say, you know, "Before you can do a law or you can  
10 have the remedy, you need to know what the problem  
11 is. And if you know what the problem is, then you  
12 can start to think about what's the solution."

13 And so in this process, while the back and  
14 forth is helpful, I think it's helpful for the  
15 townsfolk to understand, and the Commission, what --  
16 what -- why is it that in your looking at this  
17 initially some of these recommendations didn't come  
18 to mind? It's because you didn't see the problem --  
19 which is fair; you might not have seen it in the  
20 same manner that you now see it -- or is it because  
21 you've thought about it more and you've thought that  
22 there is some further solutions that could be  
23 applied to a problem you've seen?

24 And I think it's relevant because one of

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

120

1 the questions here is, rather than having hearings  
2 forever back and forth, is there a way you can think  
3 about what it is you haven't seen at this site, or  
4 what it is you haven't proposed to make this site  
5 better, so that you can go back and proactively  
6 comprehensively figure out and propose to the  
7 Commission what you think should be done, knowing  
8 all the problems you now know and knowing all the  
9 solutions that are available to you? It just seems  
10 like it would be a better process.

11 MR. CICATELLI: Bill, I think that's what  
12 we're doing with the Chair, respectfully. We've  
13 been going back and forth, questions and requests  
14 for information have come this way. We've provided  
15 further information. So that's exactly what's going  
16 on.

17 MR. MAHONEY: I would just like to add to  
18 that. I mean, you've mentioned it's a back and  
19 forth.

20 Our initial submission we thought was very  
21 thorough and complete. And there was concerns  
22 raised by the Commission. We went back and did more  
23 work, and we presented more information. So...

24 MR. SOLOMON: And so --

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

121

1 MR. MAHONEY: I think you're insinuating  
2 that we're keeping things in our back pocket, and  
3 that's not the case.

4 MR. SOLOMON: Oh, no, not back pocket.  
5 It's just a question of how comprehensive.

6 So the final question, getting back to the  
7 first -- is it a fair statement -- again, if you can  
8 answer fairly, is it a fair statement that the water  
9 challenges that exist on this site as you now see  
10 them, including the unexpectedly high levels of  
11 water on the site visit, are more challenging than  
12 you first thought and you're trying to address that?

13 MR. WHITE: My project was designed  
14 according to DEP storm runoff requirements. We had  
15 a study area. We were not increasing the flow rate  
16 off the project site. I think that was our first  
17 approach.

18 The Commission asked us to increase that  
19 study to include the watershed area and the flooding  
20 in the are, and that's what we submitted to the  
21 Commission.

22 MR. SOLOMON: And you're -- final question:  
23 You're an engineer, and if you were retained by  
24 someone to say, "How do we make this site a better

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

122

1 site in terms of water conditions and flooding and  
2 everything," you might be asked to do that from a  
3 perspective of what are the challenges and what  
4 works, and it might -- and the question might not  
5 be, "What do we have to do to comply with the DEP  
6 regulations?" Just what do you need to make it also  
7 work. I think those could be different things.

8 So as you're looking at this now, you're  
9 looking at both of those issues, as I understand.

10 MR. CICATELLI: That's precisely why there  
11 is peer review. And to answer Mr. Wilson's  
12 question, my client is paying for that peer review.  
13 So that's why we have peer review, Bill. It's a  
14 back and forth. You know that.

15 MR. SOLOMON: And -- all right.

16 And the other comment, just sort of from  
17 the public perspective as counsel, as I've seen  
18 other matters where there is testing if I could, to  
19 the Chair, just give my perspective on testing:

20 There are times where -- and I know this is  
21 in government -- where people don't have faith in  
22 other folks doing things because it's such an  
23 important matter and they may wonder whether there  
24 is something done in a test or a review that -- that

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

123

1 would skew the results. And so what I've seen at  
2 times is what's important -- particularly if someone  
3 believes in their test, in the competence of their  
4 test -- for instance, in borings -- sometimes what  
5 makes sense is to have the Town, in this 44, 53G  
6 review process, retain someone to do testing, to do  
7 testing with borings, agree with -- both sides agree  
8 who the party will go out and do the borings, and  
9 have that party take the borings and give an  
10 analysis so that there is no question that anyone  
11 has as to whether the locations were picked for  
12 certain reasons. And that's particularly where  
13 there is a site that has soils and compost and other  
14 materials and loam that people have some legitimate  
15 concerns may be on the site.

16 So I've found in my experience that  
17 oftentimes developers are happy to have that. They  
18 don't have anything to hide. They're confident that  
19 the tests that were done were accurate, but the  
20 Commission then can decide for itself based on  
21 its -- its boring consultant taking the borings, and  
22 the public then has the sense that it's been looked  
23 at in an independent way, which is partly where  
24 Mr. Wilson was trying to ask questions about before.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

124

1           So that sometimes works. Maybe it works  
2 here. I'll leave that to the Commission.

3           MR. MAHONEY: Can I just respond the that,  
4 in two parts:

5           In a way -- I'm sorry. In a way we have  
6 done that. Mr. Griffin asked us for additional  
7 borings at specific locations. We went out and did  
8 those. So in a way that is happening. It's not  
9 like we sat down and in the room and said, "Let's  
10 dig here, here and here." We did that, and then  
11 they asked for more at certain locations. And we  
12 did that.

13           To imply that any one of these people or  
14 geotechnical engineers would put their reputations  
15 or careers on the line and doctor reports is not --  
16 I don't think that's appropriate.

17           MR. SOLOMON: I always know -- I always say  
18 it's too bad people don't hold attorneys the that  
19 high standard.

20           But the problem is sometimes just  
21 perception. And -- and part of that process is that  
22 I do know that folks in the scientific arena,  
23 rightly so, have great faith and confidence in the  
24 integrity and also the skills and of folks.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

125

1           But I also know that in a matter of great  
2 importance, of an issue that is probably -- you  
3 know, the environmental issues are as critical here,  
4 and more critical than any other issues, that it  
5 strikes me that it's an area where -- where one can  
6 avoid any sense that there were any subjective  
7 factors in the selection of the area picked for  
8 borings, or the depth that was taken, where there  
9 were some questions raised by folks.

10           And so what it does, it puts to bed, it  
11 allows -- in a sense it helps both parties, because  
12 it puts to bed, for your side further so, and it  
13 also allows the Commission to let the public know  
14 that there is a sense of confidence in the full  
15 process. So it's not questioning the integrity, but  
16 it's saying that it's an important issue and  
17 sometimes there is a way to address that so that  
18 there is absolute neutrality in people's perception  
19 and in reality. Not always appropriate but struck  
20 me here it may be. I'll leave that to counsel for  
21 the Commission and the Commission.

22           MR. MAHONEY: We've already -- we're going  
23 to resubmit a full packet of every boring we've put  
24 on site, and if the Commission feels they need

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

126

1 additional information, we'll look at that.

2 CO-CHAIR McBRIDE: Thank you.

3 I just -- Mr. Bennett, I think you wanted  
4 to ask a question.

5 MR. BENNETT: Arthur Bennett, 7 Sunset  
6 Road.

7 What specific improvements are you going to  
8 do to the culvert on Sunset Road?

9 CO-CHAIR McBRIDE: Well, I don't think --

10 MR. BENNETT: Piping or cleaning?

11 CO-CHAIR McBRIDE: I think earlier tonight,  
12 I said -- I can't remember who asked the question,  
13 if it was Marty or somebody else. I will call Bob  
14 Grover myself and ask him what the story is, why he  
15 hasn't been able to clean that. I've heard  
16 different stories, and it's not clear.

17 MR. BENNETT: I've called --

18 CO-CHAIR McBRIDE: So I'll call him and see  
19 what we can do next to see. But that, at this  
20 point, is not the responsibility of the Applicant;  
21 that would be the responsibility of the Town,  
22 because it's off the project. It doesn't mean they  
23 couldn't --

24 MR. BENNETT: Well, Jim mentioned the

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

127

1 culvert, he was going to do improvements.

2 CO-CHAIR McBRIDE: Say that again, please.

3 MR. BENNETT: Jim mentioned the culvert.

4 CO-CHAIR McBRIDE: He mentioned it as a  
5 recommendation. I don't know that he was saying  
6 they would do it. He was saying it would help flow  
7 water off the property if it was cleared. I think  
8 when we were in your backyard and we saw it, we all  
9 were surprised at how clogged it was.

10 So I promise I will call Bob Grover  
11 tomorrow and ask him.

12 MR. BENNETT: Okay.

13 CO-CHAIR McBRIDE: And I'll let you know.  
14 Thanks.

15 Mr. Wantman.

16 Oh, you two are like a stage performance.

17 MS. HEMINGWAY: As a follow-up to what  
18 Mr. Wantman said, that I would like to ask if the  
19 Conservation Commission can enforce the Consent  
20 Order that he referred to when he was up here  
21 speaking? Do you have the ability to do that?

22 CO-CHAIR McBRIDE: I don't know that we do.  
23 Do we, Jon?

24 MR. WITTEN: So Madam Chairperson, Members

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

128

1 of the Commission, one of the items that we haven't  
2 gotten to yet this evening is the Commission's  
3 enforcement authority of wetlands violations that  
4 they may have seen on the property.

5 So that is different than answering your  
6 question, ma'am, about -- about the Administrative  
7 Consent Order, because the Administrative Consent  
8 Order is different jurisdiction than what the  
9 Commission can assert tonight.

10 So I think if the -- we could just defer  
11 that question for five or ten minutes, we'll talk  
12 about that. It is an issue that I believe the  
13 Commission will discuss in just a moment.

14 CO-CHAIR McBRIDE: Any more questions?  
15 Marty, did you want to ask something else?  
16 You shook your head no, but then you got  
17 up.

18 MR. WANTMAN: You shouldn't invite me up  
19 here. I can always ask questions.

20 You mentioned that you were going to talk  
21 to Bob Grover, and then I looked at Attorney  
22 Solomon. Bob Grover has sent me back and forth, or  
23 so it seems to me. I've been to Bob Grover and then  
24 back to the Conservation Commission, and then back

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

129

1 to Bob Grover, and then back to the Conservation  
2 Commission.

3 I'm of the opinion that that strip of land  
4 that we're talking about that goes -- it's the  
5 culvert, or ditch, that drains from the pump house  
6 on Sunset, that that land has been released to the  
7 Town of Stoneham for the purposes of drainage and  
8 there is such a document an easement and I --

9 CO-CHAIR McBRIDE: Was this recently?

10 MR. WANTMAN: -- supply it to you because  
11 there is just volumes of material.

12 CO-CHAIR McBRIDE: Do you know that that  
13 happened recently?

14 MR. WANTMAN: I'm sorry?

15 CO-CHAIR McBRIDE: Do you know that release  
16 happened recently?

17 MR. WANTMAN: The release? No, that was  
18 decades, decades ago.

19 CO-CHAIR McBRIDE: Well, I'll call  
20 Mr. Grover tomorrow, if not go see him, and just see  
21 where we can go forward.

22 MR. WANTMAN: Okay.

23 The other thing that you mentioned when you  
24 talked to Mr. Grover is you stated -- and I believe

Public Hearing - May 7, 2015  
Re 170 Franklin Street

130

1 that you're accurate -- that the pump is pumping  
2 debris into that area, and that Weiss used to  
3 historically clean that area. So I'm concerned that  
4 you're going to get into -- I hate to use the  
5 word -- a morass, ditch. It's not going to happen.  
6 So, again, it would be either cooperation or -- I  
7 guess it's cooperation.

8 CO-CHAIR McBRIDE: I'll do my best. I  
9 promise.

10 MR. WANTMAN: Thank you.

11 It would be wonderful if you could just  
12 clean -- I think that historic -- I'm going to tell  
13 you what I believe used to happen -- step up to the  
14 phone. He won't say a word.

15 I believe that Mr. Grover used to clean a  
16 certain distance from the head wall back where he  
17 could reach over the fence with backhoe, and Weiss  
18 used to have a backhoe for that specific purpose,  
19 but they sold it. So they no longer clean it.

20 CO-CHAIR McBRIDE: Thank you.

21 Do you want me to talk about what you were  
22 just referring to?

23 MS. DAY: Just a second. Can I ask?

24 Rusty, if you would come up -- it would be

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

131

1 helpful if you could send an e-mail to Cathy with  
2 what you said you were interested --

3 CO-CHAIR McBRIDE: Russ.

4 MS. DAY: Russ, I'm sorry. Mr. Wilson.

5 So it would be helpful if the issues and  
6 the information you wanted, if you could put it in  
7 an e-mail to Cathy so we know what to supply you  
8 with. Is that possible?

9 MR. WILSON: I'll send it right to the TA.

10 MS. DAY: Okay. But it needs to go to  
11 Cathy.

12 CO-CHAIR McBRIDE: You should send it to  
13 the office, because we can't respond to it if it  
14 goes to the TA.

15 MS. DAY: Would you mind coming to the mic.  
16 I can't hear you.

17 MR. WILSON: I'm more comfortable here.

18 MS. DAY: Okay. I'm sorry. I can't hear.

19 CO-CHAIR McBRIDE: Could you come to the  
20 mic, Russ.

21 MS. DAY: You asked for several things.  
22 And it would be much more helpful for us to have it  
23 in an e-mail so that we could provide you with the  
24 information you asked for. Or if someone else is

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

132

1 more comfortable?

2 MR. WILSON: I'm actually --

3 CO-CHAIR McBRIDE: Russ, would you mind  
4 coming to the mic? We can't hear you.

5 Thanks.

6 MR. WILSON: Cathy's actually busy working  
7 on couple of things for me now and didn't want to  
8 overload her.

9 MS. DAY: Send it to me directly.

10 CO-CHAIR McBRIDE: We overload her all the  
11 time. She's fine.

12 MR. WILSON: I think we might want to ask  
13 her.

14 If I single thread it through to the Town  
15 Administrator -- single thread, that is everything  
16 one direction -- it's easier for me to track.

17 CO-CHAIR McBRIDE: Knock yourself out.

18 MR. BUCKLEY: Excuse me, sir.

19 CO-CHAIR McBRIDE: Most people go to the  
20 office.

21 MR. BUCKLEY: Could you list the items that  
22 you currently have her working on for you?

23 CO-CHAIR McBRIDE: Who is talking?

24 MR. WILSON: Excuse me?

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

133

1           MR. BUCKLEY: I'm just asking what the  
2 items you have currently that she's working on for  
3 you, if you could list them for us, please.

4           CO-CHAIR McBRIDE: If you just say it right  
5 now she'll take a note and she'll --

6           MR. WILSON: I'll draw it up. I'll put it  
7 in writing so that everyone can understand what it  
8 is --

9           CO-CHAIR McBRIDE: Okay.

10          MR. WILSON: -- and there is no confusion  
11 about the content.

12          CO-CHAIR McBRIDE: Okay.

13          MS. DAY: Perfect. That would be perfect.  
14 Thank you.

15          MR. WILSON: Thank you.

16          CO-CHAIR McBRIDE: Thanks.

17          AUDIENCE MEMBER: This woman right here had  
18 a question.

19          CO-CHAIR McBRIDE: Go ahead.

20                 She's a pro.

21                 Can you give us your name and address  
22 please?

23          MS. SENNA: Oh, excuse me. I'm Rose Senna.  
24 I'm not from Stoneham. I'm from Melrose Highlands.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

134

1           And seeing as everybody's talking about the  
2 water going west, right? Down Franklin Street?  
3 Well, that's where we live.

4           CO-CHAIR McBRIDE: No. You live east.

5           MS. SENNA: I live in Walton Park.

6           CO-CHAIR McBRIDE: But you live east.

7           MS. SENNA: I'm east?

8           CO-CHAIR McBRIDE: Yeah. They're talking  
9 about the ditches --

10          MS. SENNA: How would it go, then, the  
11 other direction?

12          CO-CHAIR McBRIDE: Yeah. It's going south  
13 and west.

14          MS. SENNA: All right.

15                 So it would go the other direction?

16          AUDIENCE MEMBER: No. Towards Melrose.

17          CO-CHAIR McBRIDE: I'm not sure what your  
18 question is.

19          MS. SENNA: I mean, if I live west -- or if  
20 I live east --

21          CO-CHAIR McBRIDE: Melrose is east.

22          MS. SENNA: -- then it's going to go  
23 towards Stoneham center; is that what you're saying?

24          CO-CHAIR McBRIDE: No. They're talking

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

135

1 about opening ditches where the water used to flow  
2 west. That's one of the conversations. Currently  
3 the water doesn't flow west.

4 MS. SENNA: No. But you keep talking about  
5 Franklin Street. Where is the water going after  
6 Franklin Street?

7 CO-CHAIR McBRIDE: It goes under Franklin  
8 along a ditch through the culverts and then out to  
9 Doleful Pond and then eventually --

10 MS. SENNA: Where's the pond?

11 CO-CHAIR McBRIDE: It's up behind the high  
12 school.

13 AUDIENCE MEMBER: Spot Pond.

14 CO-CHAIR McBRIDE: No, Doleful.

15 MS. SENNA: Where does it go to, Spot Pond?

16 CO-CHAIR McBRIDE: No. Then it goes to Ell  
17 Pond down in Melrose.

18 MS. SENNA: Then it goes to down Ell Pond?

19 CO-CHAIR McBRIDE: Right.

20 MS. SENNA: Then somehow or other, some of  
21 that water is going to get to me, because I am in  
22 the Ell Pond watershed.

23 So this is the problem. The Highlands has  
24 had lots of flooding, and it's generation. So I

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

136

1 think that's the kind of issues that you've got to  
2 pay attention to.

3 CO-CHAIR McBRIDE: And we are.

4 Thank you.

5 MS. SENNA: I hope you are.

6 CO-CHAIR McBRIDE: We are.

7 MS. SENNA: Because it would affect us.

8 The back of two streets up from my house is  
9 Stoneham, and it's a hill. So Walton Park gets the  
10 water. They used to ice skate in the wintertime  
11 back in the good old days on Walton Park. Where --  
12 so that's just...

13 CO-CHAIR McBRIDE: Thank you.

14 MS. DAY: Thank you.

15 MS. SENNA: Okay.

16 CO-CHAIR McBRIDE: So --

17 MR. ARMANO: Can I ask one more question.

18 My name is Paul Armano, 9 Lander Road.

19 So I would like to come back to my question  
20 about the hydrologist. So as I mentioned, we  
21 have -- we have this one opportunity to get it  
22 right. There are a lot of questions about water  
23 flow. And I would like to request that we hire  
24 another -- a second set of eyes on this, so another

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

137

1 expert to take a look at water flow.

2 CO-CHAIR McBRIDE: Okay. That wouldn't be  
3 something we can just do. We would have to get the  
4 Town to okay that. So we can certainly ask. I  
5 don't know that --

6 MR. ARMANO: Why would the Town have to  
7 okay it?

8 CO-CHAIR McBRIDE: We don't have the  
9 authority to hire a second. I mean, we're -- the  
10 Town is paying for this.

11 Go ahead.

12 MR. WITTEN: Well, it's a fair request.  
13 The public can always ask the Town hire additional  
14 consultants. The Commission could require the  
15 applicant to pay for it under 44, 53G.

16 I would just caution, more minds are better  
17 than fewer as a general rule, but I would just  
18 caution all of us Mr. Griffin is a registered  
19 professional engineer; Ms. Hegemann is a  
20 professional wetlands scientist. She works for BSC,  
21 which has an awful lot of engineers and an  
22 engineering background. Mr. Griffin knows the site  
23 very, very well.

24 The only problem with bringing in, at this

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

138

1 point in time, a third review analyst is you've  
2 hired these two folks, to my left and my right, to  
3 provide the Town -- and they both have stamps; I  
4 mean, they both have credibility on the line -- to  
5 provide you with their best engineering and best  
6 professional opinion. Bringing in a third person in  
7 these disciplines, I would say, would be at a time  
8 when either of these two feel they need it.

9 And I'll speak for myself. There are areas  
10 of the law were I wouldn't dare practice without  
11 other help. But I think in these narrow disciplines  
12 you have two of the best in the Commonwealth. So  
13 I'm not saying you shouldn't or you should, but I  
14 just am nervous with the Commission listening to too  
15 many experts.

16 You are relying on Ms. Hegemann and  
17 Mr. Griffin for a good reason. If they say they  
18 need additional expertise from a either a geology or  
19 a hydrology perspective, by all means. And my  
20 advice to the Commission would be the Applicant has  
21 to pay for that.

22 But the Applicant is already paying for  
23 both of those individuals, and I would defer to  
24 them. And I'm not sure at this point in time

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

139

1 they're ready to say, "I need more help here."

2 I would only add one more thing. A lot of  
3 the issues that have come up tonight are totally  
4 relevant to the impact of this proposed project.  
5 Many of them, though, would relate more reasonably  
6 to the Board of Appeals hearings than to the  
7 Conservation Commission.

8 I'm guardedly optimistic that we'll never  
9 get back to the Board of Appeals hearing until after  
10 we get a decision favorable to the Town on the  
11 1.5 percent calculation. So that issue may be moot.

12 So I'm not opining whether it's a good idea  
13 or a bad idea. I'm just saying that you've gone to  
14 a lot of trouble to bring in these experts, and I  
15 think you get to rely on their opinion, and I would  
16 want to hear from them at a point where they feel  
17 that, "Boy, I could really use a third set of eyes  
18 here."

19 MR. ARMANO: Okay. I think that's fair --  
20 that's a fair response.

21 CO-CHAIR McBRIDE: Thank you.

22 So it came up a little bit earlier, but  
23 when he were walking the site during the site visit,  
24 and to the woman -- she's not here anymore -- but

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

140

1 when she mentioned the hay bales, it was something  
2 that I noted on the site visit that the hay bales  
3 that are supposed to be intact with a siltation  
4 fence delineated along the wetlands are, in fact,  
5 degraded and in bad shape and no longer providing  
6 the protection that they are there to provide.

7 In addition, we saw a large pile of what,  
8 to my untrained mind, looked like construction  
9 debris almost, just dirt and it appeared to, from  
10 our walk, be on the 25-foot edge. So, in fact, in  
11 violation of the Wetlands Protection Act.

12 We touched on it last time we were at this  
13 meeting with Bob Griffin's report. We confirmed it  
14 when he were out there on the site visit, and I  
15 think I'll leave it to Jon now to comment.

16 MR. WITTEN: So I think the comment to the  
17 Commissioners is, as the Chair just pointed out, as  
18 you all know from doing the site walk -- and really  
19 as -- as Ellen just said, Mr. Griffin provided all  
20 of us kind of a heads-up in his earlier report, that  
21 if there are violations of the Wetlands Protection  
22 Act they also would be a violation of the local  
23 Wetlands Bylaw, and the Commission has an  
24 obligation -- certainly an opportunity but perhaps

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

141

1 an obligation to enforce both, which is -- or  
2 require compliance with both.

3 The other issue -- and I think this is what  
4 Ms. Hegemann was getting at with the questions to  
5 Mr. Lowry -- is the changes in the ditches, the  
6 drainage ditches around mid-2000s, whether or not  
7 that, itself, was and remains a violation of the  
8 Wetlands Protection Act.

9 So I think the issue before the  
10 Commissioners is whether or not, under the Bylaw and  
11 the Act, you want to seek an enforcement order. And  
12 the remedy for the reenforcement order is to remedy  
13 the violation. So if -- if the Commissioners  
14 believe there was and is an ongoing violation, then  
15 that would be your next step.

16 I would only comment that I know the  
17 Applicant has offered, in prior correspondence, to  
18 remedy the material pile, Ellen, that you were  
19 referring to. But I'll just state the obvious: The  
20 Applicant is isn't the owner.

21 CO-CHAIR McBRIDE: Right.

22 MR. WITTEN: The Applicant is the Applicant  
23 before you, but they're not responsible, as far as  
24 we know, for the wetlands violation.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

142

1           So I think the Commission has to look at  
2 opportunities to learn material and learn facts when  
3 an application comes in, and that's what's triggered  
4 the knowledge that Mr. Griffin has provided and that  
5 you've seen for yourself.

6           So I think the issue for the Commission is  
7 whether or not you want to pursue an enforcement  
8 order. And I would add that you should do it  
9 under -- choose to do it under the Bylaw and the  
10 Wetlands Protection Act.

11           CO-CHAIR McBRIDE: Thank you.

12           And Jon, can you explain to the Commission,  
13 and maybe to the audience, what actually happens  
14 when we file an enforcement order against a -- not,  
15 in this case, an Applicant but against Weiss Farm?  
16 What would happen?

17           MR. WITTEN: Well, there is two processes:  
18 One under the Bylaw and one under the Act. Under  
19 the Bylaw you've adopted the non-criminal  
20 disposition. It's Chapter 40, Section 21D. So  
21 there is a separate procedure for persuing  
22 enforcement under the Bylaw. Under the Act, it's  
23 the Wetlands Protection Act, you would seek  
24 eventually, if there isn't compliance, assistance

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

143

1 from the DEP, which then works through the Attorney  
2 General's office.

3 So there is two separate tracks, both for  
4 the same violation, if you conclude there is a  
5 violation, but they take two separate tracks. Under  
6 the Bylaw it's done through the local police powers.  
7 Under the Act it's done through the Wetlands  
8 Protection Act, and eventually DEP and sometimes  
9 superior court.

10 CO-CHAIR McBRIDE: And what would happen?  
11 Would this mean, if we filed an enforcement order --  
12 I know we have filed them locally on smaller  
13 circumstances -- would the Weiss pharmacies not to  
14 be able to function as doing what they're doing now?  
15 Or would she just need to remedy the issue right  
16 away?

17 MR. WITTEN: Yeah. I -- I can't opine,  
18 Ellen -- not to duck the question, but if the  
19 enforcement order is narrowly tailored and only  
20 deals with the portion of the site that I understand  
21 is in violation, I don't have any knowledge to say  
22 that that would affect the ongoing operations.

23 I don't know enough. Certainly, through  
24 Town Counsel, the Commission could seek injunctive

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

144

1 relief if there was failure to comply, but I don't  
2 know.

3 CO-CHAIR McBRIDE: Okay.

4 MR. WITTEN: My gut feeling is no, it  
5 wouldn't affect the ongoing operations.

6 CO-CHAIR McBRIDE: Okay.

7 MR. WITTEN: But I would want to know a  
8 little bit more before I answer it.

9 CO-CHAIR McBRIDE: So in order for us to  
10 write it up, you need us to make a motion vote to --

11 MR. SOLOMON: Could I had just have a  
12 second maybe to ask you a question?

13 MR. WITTEN: Of course.

14 MR. SOLOMON: Maybe approach you.

15 MR. WITTEN: Oh, sure.

16 MR. WANTMAN: Just a point of information  
17 concerning that pile.

18 I witnessed more dumps being added to that  
19 pile this week. We discussed it in public. So I  
20 would imagine that Weiss or their attorneys have  
21 watched that. And the material is light in color,  
22 and, as you look at it, it's to the west. They've  
23 been adding to that pile, and of course I find that  
24 offensive.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

145

1 CO-CHAIR McBRIDE: Thank you.

2 MR. MAHONEY: May I?

3 CO-CHAIR McBRIDE: Sure.

4 MR. MAHONEY: I mean this is obviously  
5 within the Commission's jurisdiction, I -- if the  
6 Commission would be willing I would be happy to talk  
7 to Mrs. Weiss.

8 CO-CHAIR McBRIDE: Could you move the mic  
9 right to you. Thank you.

10 MR. MAHONEY: I would be happy to talk to  
11 Mrs. Weiss about, you know, the hay bales and the  
12 silt fence and that fill material pile that, as we  
13 mentioned last time, we believe has been there since  
14 we've been involved in the site.

15 If it's your desire to have the fill  
16 material moved, rather than going through a consent  
17 or a enforcement order, I would be happy to talk to  
18 her and see if she's willing to go through it  
19 without going through that whole process.

20 CO-CHAIR McBRIDE: That's very nice of you.

21 My experience is people respond to  
22 enforcement orders and not -- I don't know. Jon,  
23 I'll take your advice on that.

24 MR. WITTEN: I would say -- and after

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

146

1 talking to Town Counsel -- I would say that the  
2 Commission should take the Applicant up on that.

3 And the Commission is going to continue  
4 this hearing.

5 CO-CHAIR McBRIDE: Uh-huh.

6 MR. WITTEN: And this would provide the  
7 Applicant with notice, and the Commission could  
8 invite the Applicant to attend to the -- attend the  
9 next meeting.

10 MR. CICATELLI: The owner.

11 MR. WITTEN: I apologize. I take that  
12 back. The owner. I apologize.

13 And the owner could have their own counsel  
14 there to respond, and that might be the safest  
15 course of action.

16 CO-CHAIR McBRIDE: So we would take you up  
17 on your offer, then, to ask her to reinstall new hay  
18 bales appropriately as determined back when we did  
19 the ORAD -- I don't remember whether it was back in  
20 2010 or 2012, but -- and to remove the pile. And  
21 I -- I don't know what -- what right we would have  
22 to say "and no more piles," at least not within the  
23 100-foot buffer zone.

24 Do we have that right to ask that?

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

147

1           MR. WITTEN: I think it's a given, because  
2 you have your own regulations and you have the  
3 Wetlands Protection Act, so you have the right to  
4 ask it and presume that the law will be complied  
5 with.

6           CO-CHAIR McBRIDE: Can we have -- would it  
7 be appropriate to ask Mr. Mahoney to, you know, set  
8 a by this concern date prior to our next meeting so  
9 that when they come, if they come to our next  
10 meeting, it will -- the work will have been  
11 completed?

12           MR. WITTEN: Sure.

13           CO-CHAIR McBRIDE: Okay. So with that  
14 said, we should probably set the date for our next  
15 meeting.

16           MR. MAHONEY: Could I just clarify so I'm  
17 very clear with Mrs. Weiss.

18           You guys are requesting that the hay bales  
19 and the silt fence, obviously, to be reestablished  
20 were they've broken through or not --

21           CO-CHAIR McBRIDE: I would say a whole new  
22 line because those things are probably four or  
23 five years old.

24           MR. MAHONEY: Okay.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

148

1 CO-CHAIR McBRIDE: A new line of hay bales  
2 where they were originally determined to be again  
3 either 2010 or 2012. Was it Mary, Bob, that did the  
4 wetlands delineation? Was it Mary Rimmer?

5 MR. GRIFFIN: She reviewed their --

6 CO-CHAIR McBRIDE: Their delineation,  
7 right.

8 So with the cooperative area of Mary Rimmer  
9 and their wetlands scientist wherever they marked  
10 it, that's where she should reestablish new hay  
11 bales and siltation fence, and remove the giant  
12 pile.

13 MR. MAHONEY: So there is one giant pile  
14 adjacent to Mr. Wantman's --

15 CO-CHAIR McBRIDE: I would say anything  
16 within 100 feet of the wetlands boundary they should  
17 remove, but I didn't measure when I was out there.

18 MR. WITTEN: I think also to the  
19 Commissioners it's a restoration of the disturbed  
20 wetlands that you seek. And to the extent that the  
21 Commission's approval is necessary for that, you  
22 know, I leave that up to the owner, but it may be  
23 that she needs to file and deal with that.

24 MR. MAHONEY: I'll make sure counsel is

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

149

1 aware of that. Obviously, to be clear that big pile  
2 that we're all talking about is 25 foot buffer, and  
3 that's the one we had discussed at the last meeting  
4 as what we had -- obviously all the piles would be  
5 gone if we develop, but that one was on our plans as  
6 staying because it was within the 25-foot buffer.

7 We were not going --

8 CO-CHAIR McBRIDE: Because you didn't want  
9 to disturb the 25 foot buffer.

10 MR. MAHONEY: Correct. So the offer was to  
11 remove that.

12 CO-CHAIR McBRIDE: Yes. I think, to Jon's  
13 point -- I forget the word you just used, but --

14 MR. WITTEN: To restore.

15 CO-CHAIR McBRIDE: Restore. Yeah.  
16 Restore.

17 MR. MAHONEY: Yeah. So I will advise her  
18 that that would be work within the buffer and she  
19 may need to come before you anyways.

20 CO-CHAIR McBRIDE: Can we set our next  
21 meeting?

22 AUDIENCE MEMBER: One last question?

23 MR. WITTEN: If I could, Madam Chairperson,  
24 just to Mr. Mahoney:

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

150

1           It sounds like there is more than one pile,  
2           so it might be for Mr. Lowry to speak to  
3           Ms. Hegemann just to be clear on which piles we're  
4           talking about and what should --

5           MR. MAHONEY: We'll ask --

6           CO-CHAIR McBRIDE: What we would want is  
7           everything out of the 100-foot buffer zone is what  
8           we'd want.

9           MR. MAHONEY: And again I could bring this  
10          to her. It's not my decision at the end.

11          CO-CHAIR McBRIDE: Yep.

12          So we should then set our next meeting.

13          MR. WITTEN: I have one other thing.

14          CO-CHAIR McBRIDE: Yes.

15          MR. WITTEN: I don't mean the interrupt, if  
16          you want to pick the meeting date.

17          CO-CHAIR McBRIDE: Go ahead.

18          MR. WITTEN: I think the big open issue  
19          that I've heard this eveing really is based on  
20          Mr. Hegemann's testimony on -- I said Ms. Hegemann's  
21          testimony.

22          MS. HEGEMANN: You said Hegmone.

23          MR. WITTEN: I corrected myself.

24          And that is the issue of the FEMA flood

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

151

1 line, FEMA flood plain, and provision in the regs  
2 that allow the Commission, where there is  
3 conflicting information, to require a more detailed  
4 analysis. So I think, before tonight is over, the  
5 Commission should make a decision on how it wants to  
6 proceed with that.

7 CO-CHAIR McBRIDE: You mean the fact that  
8 they -- Ingeborg and Corcoran have different  
9 opinions of it? What are you saying, two different  
10 opinions?

11 MR. WITTEN: Different methods of  
12 calculation; is that correct?

13 CO-CHAIR McBRIDE: I'm not saying that  
14 right.

15 MR. WITTEN: So I think if the Commission  
16 is going to require the Applicant to provide  
17 additional data for Ingeborg's review, and Bob  
18 Griffin's review, then tonight would be the night to  
19 require that additional watershed information.

20 CO-CHAIR McBRIDE: Did you guys hear that  
21 and are you good with that request?

22 MR. MAHONEY: I'm not sure what we heard  
23 the request. I know the flood plain question.

24 CO-CHAIR McBRIDE: I'm not sure I'm going

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

152

1 to say it correctly, so...

2 MR. WITTEN: So the request is -- and I  
3 think Mr. Lowry pointed out and Ms. Hegemann pointed  
4 out -- 1057.72A-3, the calculation of the BLSF, and  
5 the request for the Commission to consider is  
6 whether you want to require the Applicant to provide  
7 the additional data that you're entitled to require  
8 where there is conflicting information on the  
9 definition of a flood plain.

10 And what I've heard from Ingeborg is that  
11 the flood plain, or the watershed, could be larger  
12 than what the Applicant is saying.

13 CO-CHAIR McBRIDE: Okay.

14 MR. WITTEN: And that goes back to every  
15 hearing that I've attended with you. We've raised  
16 this issue of the larger more macro watershed, and  
17 this would address that question.

18 CO-CHAIR McBRIDE: So do I need a motion to  
19 ask it, or could we just ask it of the Applicant.

20 MR. WITTEN: Well, I think you should ask  
21 it first, and sometimes a motion is helpful just for  
22 the record to formalize. But it would be good to  
23 get a response from Mr. Lowry, and if there is  
24 opposition, then the Commission can make a motion.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

153

1           CO-CHAIR McBRIDE: Do you guys have an  
2 opinion on that? Or do you need to discuss?

3           MR. MAHONEY: We would like to take it  
4 under advisement. We understand the request. We  
5 would like to take it under advisement and go back  
6 and look at what we think the requirements are.

7           CO-CHAIR McBRIDE: Okay. Is that  
8 satisfactory to you or do you want us --

9           MS. HEGEMANN: Yeah. I just -- I -- just  
10 because of the sensitivity of the flooding in this  
11 area, I think it's valid to make sure that the  
12 approach you've taken, which was not unreasonable,  
13 is also accurate. And also to take into account the  
14 tributary storm drain systems from the various  
15 streets that are up gradient, because a number of  
16 those streets drain into the site. And I just --  
17 I'm not an engineer. So I could be wrong. Maybe  
18 you come back and say I am wrong.

19           But I just think it's necessary, for  
20 example, to take Sullivan, and Gavin, and Beacon,  
21 and Tamarack. They all drain into this watershed.  
22 And at some point there is a sub watershed divide,  
23 too, on the site, which you are -- you know, you  
24 combined them together into one.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

154

1           So I just think it's advisable to get the  
2 best data for this location. But yeah, think about  
3 it.

4           CO-CHAIR McBRIDE: So you'll take it under  
5 advisement and come to us with an answer at the next  
6 meeting or do you want an answer before the next  
7 meeting so you have a chance to review it?

8           MR. WITTEN: Well, one of the problems with  
9 the continuation of meeting after meeting after  
10 meeting is is public being served? Is the  
11 Commission being served? You're volunteers. Is it  
12 fair? Generally it's the Applicant that's pushing  
13 you for a decision. In this case I think the  
14 Applicant is moving this quite slowly and perhaps on  
15 purpose.

16           So it's up to the Commission to set the  
17 schedule. If you want to require this information  
18 two weeks before the next hearing, you have every  
19 right to do it. It's not fair to Mr. Griffin and  
20 Ms. Hegemann to get something the night of a public  
21 hearing and expect us to have a response.

22           CO-CHAIR McBRIDE: Frankly it isn't fair to  
23 us, either, because we need to try to absorb it.  
24 You need to calculate it, but we need to try to

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

155

1 absorb it.

2 MR. WITTEN: So I think the Commission  
3 could set a reasonable deadline of 10 to 14 days of  
4 submission of new material to your experts and to  
5 the Commission.

6 CO-CHAIR McBRIDE: Does that seem  
7 reasonable to you guys?

8 MR. MAHONEY: One moment, if I can.

9 CO-CHAIR McBRIDE: Yep.

10 MR. WHITE: I just want to address the  
11 comment about the extent of the watershed.

12 We did map out the watershed. We do know  
13 the limits of the watershed. The watershed was also  
14 mapped by USGS and by a couple of other engineering  
15 firms. So the watershed is pretty well defined.

16 The drainage used to go to the west. We  
17 all know there is blockage in that and now some of  
18 it goes to the east. The exact nature of the  
19 divide, there isn't a dam there, so you can't really  
20 calculate which water goes which way on --  
21 mathematically. You might be able to do it with  
22 stream gauging, but mathematically you really can't  
23 do that.

24 With regards to the flow through the

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

156

1 Franklin Street culvert, as I mentioned, the  
2 downstream culvert is blocked, and so we can't do  
3 calculations based on today's conditions. If we do  
4 calculation based on a clogged culvert, it doesn't  
5 serve any purposes. We would have to assume, I  
6 think, in the calculations that there is no blockage  
7 downstream, which would then give us a lower water  
8 level.

9           So there is a lot to go into it. There is  
10 a lot of unknowns. The biggest one is, as I  
11 mentioned, the divide. Water does go both ways.  
12 The exact nature of both ways, we can assume a  
13 break. We know about where the high point is up by  
14 where the shallow point is in the water. Certainly  
15 water goes either way. We also have a weir  
16 condition that leaks. There is quite a bit that  
17 goes into that.

18           We have Mr. Wantman who's been measuring  
19 water levels out there for, I don't know, 25,  
20 30 years on this, and has provided accurate  
21 information on a previous Notice of Intent, which  
22 the Commission has accepted and approved that  
23 elevation. The same -- that same elevation that's  
24 on his property is on our property.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

157

1 MS. HEGEMANN: I understand all that. I  
2 just think it should be verified.

3 And then with respect to culvert under  
4 Franklin being blocked, or restricting flows, that's  
5 very relevant to how this site functions.

6 What's also difficult on this site is the  
7 fact that there is this weir that's broken and there  
8 is a pump. So the whole site is so manipulated, and  
9 maybe that's what your point was, that it's hard to  
10 do a standard calculation on a site that's so  
11 manipulated, and so altered, and within the last ten  
12 years has been altered yet again by creation of --  
13 changing of the ditches.

14 And I understand what you did. You know,  
15 the reasoning that you took. I guess I just need to  
16 understand more where the sub-watersheds are, if  
17 there is any -- with respect to build on your  
18 recommendations in your watershed study, to  
19 assume -- I just would like some calculations to  
20 show it. And, once again, I'm going to have to talk  
21 to Bob about this.

22 And one question that I wondered is  
23 whether, as part of your -- which is somewhat  
24 outside of the purview of the Commission -- is

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

158

1 whether, in developing your site, you are elevating  
2 it, but whether part of that elevation is also just  
3 to protect yourself from future changes in storm  
4 precipitation patterns? Because those changing in  
5 patterns is also going to affect downstream  
6 residents as well. So I just think there needs to  
7 be some more verification of -- of the approach that  
8 you took.

9 MR. LOWRY: If I might respond.

10 Ingeborg and I, as wetlands scientists, can  
11 only go so far in terms of some of the engineering  
12 and hydrologic aspects of this, and I would suggest  
13 that we're kind of reaching into the purview of the  
14 engineers and the hydrologists, and that there needs  
15 to be some consensus built, you know, perhaps  
16 between the four of us on what's a reasonable  
17 approach, and maybe we continue that dialogue on  
18 what the assumptions of such a study would be.

19 And, you know, as Jim has indicated, you  
20 know, the typical approach here is difficult to  
21 apply because you've got clogged culverts and things  
22 that aren't operating under how you would normally  
23 run those calculations. So there needs to be some  
24 assumptions made or else it's going to be kind of

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

159

1 fruitless effort without reaching some consensus on  
2 what assumptions are reasonable to make under these  
3 circumstances to begin with.

4 MS. DAY: And those discussion should  
5 involve Bob Parsons, don't you think?

6 MR. LOWRY: Yeah. That's my -- that's what  
7 I'm pointing out, yep.

8 CO-CHAIR McBRIDE: And I think, to  
9 Ingeborg's point, that was -- I didn't say it as  
10 articulately as you did, but that was my point as  
11 you're going to be building this project up high and  
12 how does that affect the rest of the surrounding  
13 neighbors and water table? And you said it as  
14 protecting themselves from the flooding going down  
15 the road but --

16 So can we agree, then, that the four of you  
17 and maybe Bob Parsons will maybe get together  
18 between now and can we try to say maybe 14 days so  
19 that, if you do come up with different decisions,  
20 you'll have some time to think them through before  
21 our next meeting? Or are you comfortable waiting  
22 until our next meeting, but talk in the meantime.

23 MR. CICATELLI: Madam Chairman, I think if  
24 everyone can get together and talk in the meantime,

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

160

1 that's the most productive. And then we can come  
2 back here and present something. We'll peer review  
3 as well with our consultants at the next meeting.

4 CO-CHAIR McBRIDE: Are you comfortable with  
5 that?

6 MS. HEGEMANN: Uh-huh.

7 CO-CHAIR McBRIDE: Are you good with that,  
8 Bob?

9 MR. GRIFFIN: Yeah.

10 CO-CHAIR McBRIDE: Okay. So now I think  
11 did want to.

12 MR. MAHONEY: No.

13 CO-CHAIR McBRIDE: Now we want to try to  
14 set our next meeting.

15 AUDIENCE MEMBER: Can I ask one question?

16 CO-CHAIR McBRIDE: Sure.

17 MS. LAWLER: Hi. Tara Lawler, 53 Walsh  
18 Ave.

19 When you had mentioned removing the debris,  
20 I just -- the debris. I just wanted to know what  
21 precautions you would be talking? And I'm  
22 especially concerned, my daughter attends the day  
23 care which is adjacent, at Teachable Moments, to  
24 Weiss Farm.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

161

1           So as far as if you're moving debris, that  
2 no one knows what's in it on a windy day, if stuff's  
3 going to head down that way or how does that work?

4           MR. CICATELLI: I think what we're going to  
5 do really is inform the owner of what the  
6 Commission's concerns are and either she or her  
7 counsel should get in touch with our conservation  
8 administrator and all those details should be worked  
9 out.

10           CO-CHAIR McBRIDE: That wasn't quite how I  
11 understood it. I understood you were going to ask  
12 her to put in new hay bales and move the pile.

13           MR. CICATELLI: No. I think the hay bales  
14 can be done right away, but in terms of removing  
15 debris, I'm assuming you would want to have someone  
16 come down and see exactly what she's doing and how  
17 she's doing first.

18           CO-CHAIR McBRIDE: I don't know --

19           MR. MAHONEY: That was my understanding as  
20 well. That is within the buffer zone.

21           CO-CHAIR McBRIDE: Yeah. We just want it  
22 out, I think you could have --

23           MR. MAHONEY: I can ask.

24           CO-CHAIR McBRIDE: -- guys from the fire

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

162

1 department -- I know a bunch of the guys from the  
2 fire department work there. They could be spraying  
3 water on the pile while it's being removed, which I  
4 think used to be what was required, back when they  
5 had mulching back in the beginning. There used to  
6 be some sort of spraying on the mulch to keep it  
7 from getting in the wind and blowing onto people on  
8 Gerald Road or wherever the wind blows. But that  
9 was my understanding.

10 So can we ask you, Mr. Mahoney, to make  
11 sure that Mrs. Weiss pays attention to when the pile  
12 is removed that if it's on a dry, windy day, you  
13 know, no matter what, that no debris in the air is  
14 flying over. I don't think that's unreasonable. I  
15 think just.

16 MR. GRIFFIN: Madam Chairman, I guess the  
17 question was Jon mentioned perhaps an NOI should be  
18 filed. So I think we should --

19 CO-CHAIR McBRIDE: If that's safer for  
20 her --

21 MR. CICATELLI: I don't. It's up to the  
22 Commission, really.

23 MR. GRIFFIN: I think this was a pretty  
24 good-sized pile of dirt, and I think that, you know,

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

163

1 it's been there for a long time. If that pile sits  
2 there for another couple of weeks while Weiss  
3 develops a work plan to move the pile, or comes to  
4 us to discuss what precautions will be taken to move  
5 the pile, if they're willing to move the pile, I  
6 think that might be the first best -- or next best  
7 thing that should happen first.

8 So I don't think we necessarily need to get  
9 rid of the pile in the next couple of weeks. So  
10 let's get Weiss in to talk about it.

11 CO-CHAIR McBRIDE: Okay.

12 MR. WITTEN: And if I could, Madam  
13 Chairperson, I think Mr. Griffin's suggestion is a  
14 good one. I just -- I think I agree Attorney  
15 Cicatelli that one of the options might be the  
16 filing of a Notice of Intent.

17 So I just want to be clear, or suggest that  
18 the Commission be clear, you are asking for them to  
19 look into this, but you're not suggesting that an  
20 NOI might not also be required.

21 CO-CHAIR McBRIDE: Correct. That would be  
22 my.

23 MR. MAHONEY: So just so I'm very clear:  
24 I'm not asking her to move it right now.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

164

1 I'm asking her to come to you -- to the Commission  
2 formally on the agenda or informally --

3 CO-CHAIR McBRIDE: Everything's always  
4 formally on the agenda with us.

5 MR. MAHONEY: Fair enough.

6 To come to the Commission to discuss the  
7 matter?

8 CO-CHAIR McBRIDE: Yeah.

9 MR. MAHONEY: But the hay bales are okay to  
10 be done without that meeting.

11 CO-CHAIR McBRIDE: I would like the hay  
12 bales done sooner rather than later because they  
13 were in bad shape, so yes.

14 MR. MAHONEY: Thank you.

15 CO-CHAIR McBRIDE: Now we're going to set  
16 our meeting. Not yet. We're going to try to set  
17 our meeting, Marty. Then we'll get to you.

18 MR. WANTMAN: Thank you.

19 CO-CHAIR McBRIDE: Today's May 7th. I know  
20 we have another meeting next Thursday for other  
21 non-Weiss related.

22 So three weeks from today would be -- three  
23 weeks from today would be the 28th.

24 Would that work for Bob, Jon, Ingeborg?

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

165

1           MR. WITTEN: I can't do the 21st.

2           MR. WITTEN: Would you be opposed to going  
3 out four weeks if our peer reviewers can make four  
4 weeks, which would make it June 4th?

5           MR. MAHONEY: That would be -- would that  
6 work for you guys?

7           CO-CHAIR McBRIDE: That's okay with you  
8 guys?

9           Bob, are you good June 4th?

10          MR. GRIFFIN: I am.

11          CO-CHAIR McBRIDE: Anybody else?

12          How about the Commission?

13          MS. RENNARD: That's fine.

14          MS. DAY: Should I check with Bob Parsons?

15          CO-CHAIR McBRIDE: I'm pretty sure he's  
16 watching.

17          Bob, can you text one of us and let you  
18 know if June 4th works for you, please. Thank you.

19          Mr. Wantman.

20          MR. WANTMAN: Yes, simple question.

21          The young lady who was just up here has  
22 children as Teachable Moments, which used to be the  
23 synagogue at the end of Gerald Road near the Weiss  
24 Farm property, and then there is Mr. Daschel who

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

166

1 lives on Gerald Road that's subject to flooding and  
2 myself, and I have flooding.

3 And so I became encouraged when I heard  
4 that Corcoran was going to approach the current  
5 owner concerning moving the rough fill pile, and I  
6 would ask if there is a legitimate reason why they  
7 cannot ask the current owner of the property to  
8 utilize the earthen check dam, perhaps while they're  
9 moving this pile, and see how it affects the  
10 flooding. That's my simple request that they  
11 approach Donna, or the owner of the farm, and  
12 attempt to use the earthen check dam because I would  
13 like to spend a summer without being flooded.

14 Thank you.

15 CO-CHAIR McBRIDE: I don't think that's an  
16 unreasonable request. And maybe if Mrs. Weiss comes  
17 to our next meeting.

18 MR. WANTMAN: It's hard to hear you. I'm  
19 sorry.

20 CO-CHAIR McBRIDE: If Mrs. Weiss comes to  
21 our next meeting, or a representative of Weiss comes  
22 to our next meeting to talk about this pile, I would  
23 bet you're going to be at the meeting and we could  
24 certainly talk about it then.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

167

1           MR. WANTMAN: I hope you feel better by the  
2 next meeting.

3           CO-CHAIR McBRIDE: Thank you.

4           And that's good for Bob Conway -- I mean  
5 Bob. The 4th is good.

6           MR. MAHONEY: Could I ask? Did you say you  
7 have another meeting next week? I know we're not on  
8 the agenda. Again, I need to speak to Mrs. Weiss,  
9 but would you allow her to come before you at that  
10 point?

11          CO-CHAIR McBRIDE: Sure. I'm sure. We  
12 would be happy she comes sooner rather than later.  
13 We would just have to know within 48 hours of  
14 posting the meeting that so.

15          MR. CICATELLI: When is that meeting, Madam  
16 Chairman, your next one.

17          CO-CHAIR McBRIDE: The 14th.

18          MR. CICATELLI: The 14th? Thank you.

19          CO-CHAIR McBRIDE: Thursday the 14th.

20          MR. WITTEN: Well, I mean, Mrs. Weiss has  
21 every right to petition the Commission as she sees  
22 fit, but I think in this matter, I think you'll want  
23 Mr. Griffin and Ms. Hegemann to just weigh in on --

24          CO-CHAIR McBRIDE: That's true, be at the

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

168

1 meeting.

2 MR. WITTEN: Or at least know what the  
3 meeting's going to be about. It would -- I think  
4 after all of this it would be foolish to have the  
5 owner of the property request the Commission to do  
6 something and not have the two people who are  
7 weighing in on that be present.

8 CO-CHAIR McBRIDE: Does that make sense to  
9 you guys?

10 MR. MAHONEY: It does.

11 I mean, Mr. Griffin's original suggesting  
12 was move it, but it's the Commission's decision.

13 CO-CHAIR McBRIDE: Mr. Griffin's  
14 original -- say that again.

15 MR. MAHONEY: The original suggestion was  
16 for us to move the pile as part of our -- I think,  
17 but -- unless I'm misstating.

18 MR. GRIFFIN: No. I think that some  
19 questions have been raised about precautions is that  
20 need to be potentially taken during the work. So I  
21 think the first step is to have a discussion with  
22 Mrs. Weiss about is she willing to move the pile at  
23 this point in time and could she develop a work plan  
24 that would address those potential concerns?

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

169

1 I think Attorney Witten's correct that I  
2 would rather be involved in the conversation than  
3 not. I think if the matter with Mrs. Weiss can  
4 be -- you know, occur on June 4th, also, that would  
5 be the most convenient. If the Commission needs me  
6 to come next Thursday I could potentially do that as  
7 well.

8 CO-CHAIR McBRIDE: Okay. So Ingeborg's  
9 not.

10 But the hay bales can be taken care of  
11 tomorrow.

12 AUDIENCE MEMBER: Another question.

13 CO-CHAIR McBRIDE: Yes.

14 MR. MAZZOTTA: Paul Mazzotta, 7 Walsh Ave.

15 I'm new to this. I've started to attend  
16 these meetings from the beginning as much as  
17 possible. I'm 56. I've lived on Walsh Ave. for  
18 56 years, and I've observed, other than my house on  
19 the street, which is something that dad bought, and  
20 he was advised by the developer at that time to pick  
21 that lot because it was up high and would never have  
22 water. We've never had a drop of water.

23 But I've noticed and talked to my  
24 neighbors -- who I know fairly well -- on that road

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

170

1 and up the street on some of these adjacent roads  
2 here, and the flooding is worse instead of better.  
3 I think I may be -- my home, my dad's home -- the  
4 only one around that doesn't have a pump, a sump  
5 pump, water's flowing out.

6 I mean, granted the weather's changed.  
7 Maybe the topography has changed. There is all  
8 sorts of things that's happened. The only thing I  
9 wanted to point out today from what I've heard from  
10 Mr. Wantman, and he mentioned Walter here who didn't  
11 choose to speak, it sounds like they've had a lot of  
12 experience with this piece of property and they've  
13 done, obviously, a lot of research.

14 And my only point is it would behoove the  
15 Commission and the Town of Stoneham and whatever  
16 avenues that we have available to us, to have the  
17 issue looked at seriously, about the drainage to the  
18 west and so forth, especially since, from what I  
19 understand, it would be minimal cost to the Town to  
20 maybe exacerbate a situation in maybe some great  
21 capacity before the Corcoran people here, who are  
22 new to this whole thing and they're doing their  
23 work, it's not fair to them, it's not fair to the  
24 Town of Stoneham to guess what the hell is going to

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

171

1 happen.

2           If we would address this situation that  
3 we've had for over 50 years. Okay. It's probably  
4 100 years. Whatever. To somehow address it with  
5 whatever we can within our funds, you know, the  
6 Town, the taxpayers of Stoneham, that would be  
7 advisable as a first step to at least alleviate some  
8 of the -- as some of the people said, as Mr. Wantman  
9 and his property -- which I used to go over there  
10 and skate when I was a kid down that culvert, right?  
11 Because it was always flooded. And the tennis  
12 courts there was owned by Brad Donnell, the owner  
13 before him. So I know exactly what he's talking  
14 about. And that's been a disaster for a long time.

15           So it seems to me that either it's never  
16 been addressed, or there is no funds to do it, or  
17 whatever, but with some of the issues that he  
18 raised -- and he's obviously very knowledgeable and  
19 done a lot of research and familiar with the land --  
20 that if we could take upon some of those aspects of  
21 what he said, and suggestions, along with the other  
22 people who are experts and done some of the research  
23 here, Mr. Griffin and Mr. White, we might be in a  
24 better position regardless if the development takes

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

172

1 place or not for the whole Town of Stoneham and  
2 Melrose and other people like that and so on.

3 I realize the Town has many, many issues.  
4 We have many problems, like every town does,  
5 according to their topography, makeup, taxes and  
6 everything. I think that we ought to look at some  
7 of the least intrusive and costly methods and see  
8 where we are there. We might find that they went a  
9 long way. Like the culvert there. How long would  
10 that take to fix and dump out on to Sunset? Maybe a  
11 day, a few hours or something.

12 Let's just do it.

13 I'm done. Thank you.

14 MR. WANTMAN: I've never met that man.

15 CO-CHAIR McBRIDE: You paid him, Marty.

16 Thank you. And I don't think any of us --  
17 we all agree with you. So thank you.

18 Anybody else have anything they want to  
19 say?

20 So I have to tell you I'm a little crazy in  
21 my head right now, so I think we set a meeting for  
22 the 4th, 7:00 p.m. here.

23 Although can I just ask the audience would  
24 any of you have a problem if we had this meeting

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

173

1 downstairs in the banquet hall? Cindy?

2 Cindy, stop talking and listen.

3 AUDIENCE MEMBER: Can it be televised  
4 downstairs?

5 CO-CHAIR McBRIDE: Say it again.

6 AUDIENCE MEMBER: Can it be televised  
7 downstairs?

8 CO-CHAIR McBRIDE: Yes.

9 It's just that even with the mics, the  
10 acoustics in this room are horrible, and I think we  
11 struggle all the time, everybody.

12 AUDIENCE MEMBER: It's very sensible  
13 because a lot of people are older and we don't hear  
14 it.

15 CO-CHAIR McBRIDE: So I just want to see if  
16 the folks who are here have any opposition to us  
17 going back downstairs to the banquet hall? It's a  
18 smaller room, probably fits 75 people. We haven't  
19 had a crowd that large since the first meeting, so I  
20 think we'll be okay. Are you guys okay with that?  
21 We can all hear each other better. It's still on  
22 TV.

23 But what I do need is a motion to continue  
24 the meeting to June 4th. Folks.

**Public Hearing - May 7, 2015  
Re 170 Franklin Street**

174

1 MS. DAY: I'll make a motion to continue  
2 the meeting to June 4th.

3 CO-CHAIR McBRIDE: Hold on for one second.

4 AUDIENCE MEMBER: I couldn't hear the date  
5 of the meeting.

6 MS. RENNARD: Second.

7 CO-CHAIR McBRIDE: All in favor.

8 (Chorus of ayes)

9 AUDIENCE MEMBER: I didn't hear the date of  
10 the meeting.

11 CO-CHAIR McBRIDE: Oh, June 4th.

12 So we'll all see you back on June 4th.

13 Thank you all for coming.

14 (Whereupon, the proceedings were  
15 adjourned at 10:17 p.m.)

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C E R T I F I C A T E

I, Alexander K. Loos Registered Merit Reporter, do hereby certify that the foregoing transcript, Volume I, is a true and accurate transcription of my stenographic notes taken on May 7, 2015.



Alexander K. Loos  
Registered Merit Reporter

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<b>A</b>	<p><b>activities (2)</b> 82:17;100:6</p> <p><b>acts (1)</b> 26:18</p> <p><b>ability (1)</b> 127:21</p> <p><b>able (12)</b> 2:5;7;51:1;58:23; 75:9;94:17;109:15; 113:6;114:19;126:15; 143:14;155:21</p> <p><b>abruptly (1)</b> 64:1</p> <p><b>absolute (1)</b> 125:18</p> <p><b>absolutely (1)</b> 96:22</p> <p><b>absorb (2)</b> 154:23;155:1</p> <p><b>accepted (1)</b> 156:22</p> <p><b>accepting (1)</b> 96:12</p> <p><b>access (13)</b> 95:9;102:16,17,18, 19,20,21,24;103:4,7; 109:23;110:8,10</p> <p><b>accessible (2)</b> 29:6,10</p> <p><b>accompanied (1)</b> 101:20</p> <p><b>according (6)</b> 38:7;50:12;83:14; 95:16;121:14;172:5</p> <p><b>account (1)</b> 153:13</p> <p><b>accurate (6)</b> 39:10;70:22; 123:19;130:1;153:13; 156:20</p> <p><b>acoustics (1)</b> 173:10</p> <p><b>acre (1)</b> 16:15</p> <p><b>acres (3)</b> 9:23,24;33:7</p> <p><b>acronym (1)</b> 90:15</p> <p><b>across (8)</b> 18:8;41:10,18;42:6, 14;85:20;95:13; 111:17</p> <p><b>Act (13)</b> 20:1;67:19;140:11, 22;141:8,11;142:10, 18,22,23;143:7,8; 147:3</p> <p><b>action (5)</b> 72:5;82:20;96:6; 107:19;146:15</p> <p><b>actions (1)</b> 96:4</p> <p><b>active (1)</b> 61:24</p>	<p><b>advised (1)</b> 169:20</p> <p><b>advisement (3)</b> 153:4,5;154:5</p> <p><b>aerial (1)</b> 57:6</p> <p><b>affect (6)</b> 94:15;136:7; 143:22;144:5;158:5; 159:12</p> <p><b>add (4)</b> 48:8;120:17;139:2; 142:8</p> <p><b>added (2)</b> 107:15;144:18</p> <p><b>adding (3)</b> 107:11;108:8; 144:23</p> <p><b>addition (3)</b> 66:13;68:4;140:7</p> <p><b>additional (13)</b> 7:4;24:13,16;26:23; 56:13;96:12;124:6; 126:1;137:13;138:18; 151:17,19;152:7</p> <p><b>address (10)</b> 89:9;115:22; 121:12;125:17; 133:21;152:17; 155:10;168:24;171:2, 4</p> <p><b>addressed (5)</b> 7:16;81:4,10;87:23; 171:16</p> <p><b>adequate (2)</b> 66:21,23</p> <p><b>adequately (1)</b> 65:24</p> <p><b>adjacent (10)</b> 20:21;40:12,15; 41:21;56:20;67:8,10; 148:14;160:23;170:1</p> <p><b>adjourned (1)</b> 174:15</p> <p><b>adjusted (1)</b> 97:19</p> <p><b>administrative (12)</b> 55:4;61:22;102:5,7, 8,11;107:21;109:21, 23;114:15;128:6,7</p> <p><b>Administrator (4)</b> 81:10;89:1;132:15; 161:8</p> <p><b>adopted (1)</b> 142:19</p> <p><b>adversely (1)</b> 44:11</p> <p><b>advice (2)</b> 138:20;145:23</p> <p><b>advisable (3)</b> 98:2;154:1;171:7</p> <p><b>advise (1)</b> 149:17</p>	<p><b>102:16</b></p> <p><b>allowing (1)</b> 79:24</p> <p><b>allows (3)</b> 114:16;125:11,13</p> <p><b>almost (4)</b> 25:14;30:5;108:16; 140:9</p> <p><b>along (7)</b> 27:12;35:1;90:16; 101:9;135:8;140:4; 171:21</p> <p><b>alteration (1)</b> 46:22</p> <p><b>altered (3)</b> 93:9;157:11,12</p> <p><b>Although (2)</b> 110:3;172:23</p> <p><b>always (13)</b> 30:15;36:13;51:1; 75:20;90:15;119:8; 124:17,17;125:19; 128:19;137:13;164:3; 171:11</p> <p><b>amazed (1)</b> 111:1</p> <p><b>among (1)</b> 91:11</p> <p><b>amount (12)</b> 8:8;32:2;40:21; 59:6;111:5;116:6,9, 18,23;117:6,11,15</p> <p><b>analysis (4)</b> 36:16;107:23; 123:10;151:4</p> <p><b>analyst (1)</b> 138:1</p> <p><b>and/or (2)</b> 43:19;46:10</p> <p><b>anecdotal (1)</b> 59:7</p> <p><b>angle (1)</b> 15:12</p> <p><b>annual (6)</b> 62:3,5;95:24; 103:15,16,17</p> <p><b>answered (3)</b> 65:17;89:14;113:23</p> <p><b>anticipated (3)</b> 116:24;117:8,18</p> <p><b>anymore (2)</b> 38:23;139:24</p> <p><b>anyways (3)</b> 40:11;57:17;149:19</p> <p><b>apologize (2)</b> 146:11,12</p> <p><b>apparent (2)</b> 40:10;91:2</p> <p><b>Apparently (1)</b> 95:1</p> <p><b>Appeals (6)</b> 81:13;82:10;83:19, 23;139:6,9</p>	<p><b>appeared (3)</b> 30:6;56:8;140:9</p> <p><b>appears (3)</b> 14:5;55:19;57:19</p> <p><b>applicability (1)</b> 107:18</p> <p><b>Applicant (31)</b> 3:14;4:24;5:16; 47:20;48:20;51:22; 52:21;66:11;74:5; 84:4;87:22;96:2;98:3; 126:20;137:15; 138:20,22;141:17,20, 22,22;142:15;146:2,7, 8;151:16;152:6,12, 19;154:12,14</p> <p><b>Applicant's (1)</b> 47:14</p> <p><b>application (2)</b> 68:24;142:3</p> <p><b>applied (4)</b> 37:24;106:24; 107:1;119:23</p> <p><b>apply (1)</b> 158:21</p> <p><b>appreciate (2)</b> 88:14,15</p> <p><b>approach (12)</b> 85:3;86:11;87:8; 96:11;121:17;144:14; 153:12;158:7,17,20; 166:4,11</p> <p><b>appropriate (5)</b> 84:1;88:3;124:16; 125:19;147:7</p> <p><b>appropriately (1)</b> 146:18</p> <p><b>approval (2)</b> 51:5;148:21</p> <p><b>approve (1)</b> 2:23</p> <p><b>approved (1)</b> 156:22</p> <p><b>approximate (1)</b> 101:22</p> <p><b>approximately (8)</b> 9:23,24;10:13;97:6, 6;98:1;101:21;106:9</p> <p><b>April (2)</b> 2:11;32:6</p> <p><b>Arbor (1)</b> 18:17</p> <p><b>Arbors (2)</b> 18:18,21</p> <p><b>area (66)</b> 8:9,17,19;9:22; 10:1;11:23;12:2;14:4; 16:16;17:12;20:2; 21:3,8,19;23:6,12,13, 18,23;24:1,11;25:22; 26:22;27:6;30:15; 31:12,15;33:12,16; 34:11,11;49:12;</p>
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50:10,15;54:12; 60:21;64:3,10;65:5; 66:21;72:6;77:15; 78:16,21;79:2,11; 80:14,21;85:8;86:22; 94:7;96:7;97:18; 106:17;107:13,15; 108:12;114:13; 121:15,19;125:5,7; 130:2,3;148:8;153:11	<b>assumed (1)</b> 34:12 <b>assuming (2)</b> 35:21;161:15 <b>assumptions (3)</b> 158:18,24;159:2 <b>assurances (2)</b> 50:14,19 <b>attached (1)</b> 51:5 <b>attempt (5)</b> 17:23;19:18;40:1; 107:12;166:12 <b>attempting (1)</b> 105:5 <b>attend (3)</b> 146:8,8;169:15 <b>attended (1)</b> 152:15 <b>attends (1)</b> 160:22 <b>attention (2)</b> 136:2;162:11 <b>attorney (10)</b> 45:3;47:3;96:1; 106:15,22;117:21; 128:21;143:1;163:14; 169:1 <b>attorneys (2)</b> 124:18;144:20 <b>attorney's (1)</b> 45:4 <b>AUDIENCE (25)</b> 4:1,3,5,8;53:21; 61:3,7,15;63:3;69:19; 77:4,7;133:17; 134:16;135:13; 142:13;149:22; 160:15;169:12; 172:23;173:3,6,12; 174:4,9 <b>augmentation (1)</b> 57:18 <b>augmented (2)</b> 19:17,21 <b>authored (1)</b> 53:4 <b>authority (2)</b> 128:3;137:9 <b>available (7)</b> 4:18;62:2,7;86:13, 13;120:9;170:16 <b>Ave (4)</b> 62:20;160:18; 169:14,17 <b>Avenue (1)</b> 89:11 <b>avenues (1)</b> 170:16 <b>avoid (1)</b> 125:6 <b>aware (2)</b> 118:4;149:1	<b>away (8)</b> 54:4;70:18,20;83:5; 91:7;107:15;143:16; 161:14 <b>awful (2)</b> 20:18;137:21 <b>ayes (2)</b> 3:5;174:8	<b>B</b>	<b>back (79)</b> 4:6;8:13;11:24; 14:5,19;17:12;18:11; 19:12,16,19;20:5; 21:7,8,16,24;22:9,20; 23:19;25:15,17;28:8; 29:22;31:13;39:10, 13;41:3;42:20;43:7; 51:11;54:24;55:8,20; 56:9,10;57:5,21;59:8; 67:18;72:12;76:24; 85:6;87:22;92:2; 94:17;95:2;96:19; 98:5,11;118:14; 119:13;120:2,5,13,18, 22;121:2,4,6;122:14; 128:22,24,24;129:1; 130:16;136:8,11,19; 139:9;146:12,18,19; 152:14;153:5,18; 160:2;162:4,5; 173:17;174:12 <b>backed (2)</b> 104:1;106:3 <b>background (1)</b> 137:22 <b>backhoe (3)</b> 109:12;130:17,18 <b>backing (2)</b> 26:20;42:24 <b>backs (3)</b> 25:18,21;26:19 <b>backyard (1)</b> 127:8 <b>bad (5)</b> 73:9;124:18; 139:13;140:5;164:13 <b>balliwick (1)</b> 91:14 <b>bales (19)</b> 89:17,22,24;90:5,9, 21;91:3;140:1,2; 145:11;146:18; 147:18;148:1,11; 161:12,13;164:9,12; 169:10 <b>ball (1)</b> 56:13 <b>banquet (2)</b> 173:1,17 <b>barely (2)</b> 27:21;80:2	<b>barrier (1)</b> 90:3 <b>barriers (1)</b> 97:13 <b>based (11)</b> 13:1;24:24;32:10; 36:18;49:1;55:19; 118:6;123:20;150:19; 156:3,4 <b>basically (13)</b> 4:19;9:11;17:23; 25:23;31:10;36:16; 48:9;58:11,14;90:16; 95:6;98:23;108:15 <b>basin (2)</b> 26:18;56:6 <b>basins (7)</b> 24:6,14;32:9;50:8, 8;74:12,13 <b>Beacon (4)</b> 23:11;67:16; 114:22;153:20 <b>became (2)</b> 91:2;166:3 <b>become (1)</b> 19:21 <b>bed (2)</b> 125:10,12 <b>began (1)</b> 21:19 <b>begging (2)</b> 78:21;81:1 <b>begin (1)</b> 159:3 <b>beginning (5)</b> 9:8;18:9;112:18; 162:5;169:16 <b>begins (1)</b> 103:23 <b>behind (16)</b> 20:17;27:20;35:22; 55:16,18;56:5,19; 60:14,24;76:19;77:2, 4,6;89:23;106:3; 135:11 <b>behoove (2)</b> 71:12;170:14 <b>believes (1)</b> 123:3 <b>below (2)</b> 44:14;49:3 <b>Benchmark (3)</b> 99:23;100:15,21 <b>beneath (1)</b> 75:19 <b>benefit (2)</b> 44:6,24 <b>Bennett (10)</b> 77:1;80:1;126:3,5, 5,10,17,24;127:3,12 <b>Bennett's (1)</b> 27:20 <b>Bergdorf (1)</b>	106:22 <b>berm (1)</b> 108:20 <b>berth (1)</b> 32:9 <b>best (10)</b> 61:12;72:23;100:7; 130:8;138:5,5,12; 154:2;163:6,6 <b>bet (1)</b> 166:23 <b>better (20)</b> 5:8;21:12;28:4; 44:6;45:22;79:21,24; 90:3;110:21;113:13; 114:9,10;120:5,10; 121:24;137:16;167:1; 170:2;171:24;173:21 <b>beyond (2)</b> 53:18;59:10 <b>big (5)</b> 30:17,20,24;149:1; 150:18 <b>bigger (2)</b> 22:8;32:15 <b>biggest (1)</b> 156:10 <b>Bill (8)</b> 62:14;85:9;88:24; 89:5;115:8;118:23; 120:11;122:13 <b>bills (1)</b> 86:23 <b>Bill's (1)</b> 88:24 <b>bit (10)</b> 11:21;24:16;33:3; 86:9;108:14;116:4; 118:21;139:22;144:8; 156:16 <b>black (4)</b> 89:17,24;106:18; 108:13 <b>blamed (1)</b> 21:22 <b>blanket (1)</b> 85:2 <b>blessing (2)</b> 2:8;105:17 <b>blew (2)</b> 32:15;99:11 <b>blockage (3)</b> 101:5;155:17;156:6 <b>blockages (1)</b> 109:19 <b>blocked (3)</b> 42:19;156:2;157:4 <b>blow (1)</b> 75:17 <b>blowing (1)</b> 162:7 <b>blown (1)</b> 32:18
---	---	---	----------	--	--	--

<b>blows (1)</b> 162:8	<b>break (1)</b> 156:13	<b>Bylaw (7)</b> 140:23;141:10; 142:9,18,19,22;143:6	165:3,17;169:3,10; 171:5;172:23;173:3, 6,21	16:24;18:12;22:13; 63:21;81:12;84:6; 104:5,14;118:20; 159:23;162:16; 167:16
<b>BLSF (1)</b> 152:4	<b>bridge (4)</b> 111:8,16,17;114:21	<b>C</b>	<b>capable (1)</b> 116:16	<b>Chairperson (5)</b> 5:15;46:2;127:24; 149:23;163:13
<b>board (15)</b> 22:13;29:6;62:22, 23:63;21,22;81:12; 82:10;83:19,22,22; 95:10;105:10;139:6,9	<b>brief (3)</b> 8:1;9:10;105:16		<b>cadmium (1)</b> 108:3	<b>capacity (6)</b> 33:24;95:13;96:23; 107:16;110:4;170:21
<b>Bob (44)</b> 2:5;5:4;9:4;40:6; 41:6;42:16;62:10; 63:20;64:20,21; 65:18,20;68:9;69:15; 70:3;73:19;74:2;75:8; 79:19;85:17;86:3; 90:17;95:11;104:4; 105:12;126:13; 127:10;128:21,22,23; 129:1;140:13;148:3; 151:17;157:21;159:5, 17;160:8;164:24; 165:9,14,17;167:4,5	<b>bring (4)</b> 49:14;60:3;139:14; 150:9	<b>calculate (6)</b> 37:18;38:3,6; 117:17;154:24; 155:20	<b>carcinogenic (1)</b> 108:1	<b>challenges (2)</b> 121:9;122:3
<b>Bob's (1)</b> 43:11	<b>bringing (2)</b> 137:24;138:6	<b>calculation (5)</b> 139:11;151:12; 152:4;156:4;157:10	<b>care (3)</b> 15:2;160:23;169:10	<b>challenging (1)</b> 121:11
<b>book (1)</b> 94:2	<b>broader (1)</b> 86:10	<b>calculations (13)</b> 37:3,8;74:6,14,18, 20,21,23;75:1;156:3, 6;157:19;158:23	<b>carefully (1)</b> 46:6	<b>chance (4)</b> 73:5;74:21;75:3; 154:7
<b>books (1)</b> 110:16	<b>broken (2)</b> 147:20;157:7	<b>call (9)</b> 67:20;71:19;79:19; 101:4;108:20;126:13, 18;127:10;129:19	<b>case (6)</b> 30:7;44:1;99:21; 121:3;142:15;154:13	<b>change (7)</b> 44:2,17;59:21;60:7; 63:24;90:7;112:12
<b>bordering (1)</b> 37:16	<b>Brook (28)</b> 10:7,8,18;11:17,18, 24;12:7,13,19;13:7; 14:12,12;18:24;19:2, 4,6,12,16,18;34:3; 39:20;76:18;77:1,3,4, 6;92:2;105:19	<b>called (2)</b> 94:1;126:17	<b>catch (3)</b> 24:14;32:9;74:12	<b>changed (6)</b> 21:24;22:2;54:3; 55:14;170:6,7
<b>Borg (1)</b> 109:7	<b>Brookmeadow (2)</b> 101:15,16	<b>calling (2)</b> 19:2;59:1	<b>Cathy (7)</b> 87:11;95:1;97:8; 115:10;131:1,7,11	<b>changes (4)</b> 54:9;57:1;141:5; 158:3
<b>boring (6)</b> 64:22;66:22;71:23; 76:1;123:21;125:23	<b>brought (1)</b> 84:18	<b>calls (1)</b> 108:20	<b>Cathy's (1)</b> 132:6	<b>changing (5)</b> 51:2;55:5;77:21; 157:13;158:4
<b>borings (29)</b> 64:16;65:10;66:10, 24;68:5,14;69:8,9,23; 70:7;72:22;73:1;75:8, 11,13,14,15,21;76:3, 5,7,8;123:4,7,8,9,21; 124:7;125:8	<b>BSC (2)</b> 3:19;137:20	<b>came (5)</b> 42:2;55:13;72:5; 114:15;139:22	<b>cause (5)</b> 26:17,22;41:21; 67:11;83:4	<b>channel (4)</b> 10:14;13:24;25:1,6
<b>both (16)</b> 15:6;29:11;35:24; 109:3;110:4;122:9; 123:7;125:11;138:3, 4,23;141:1,2;143:3; 156:11,12	<b>BUCKLEY (3)</b> 132:18,21;133:1	<b>can (127)</b> 2:22;3:17;6:13; 7:10;9:9;10:24,24; 11:11,16;13:20,21,24; 14:22;18:11;20:14; 22:15,17,24;26:24; 28:20,22;29:21; 30:14;37:10,24;38:9; 41:24;42:1;43:3;48:9; 50:24;51:4,7,9;54:24; 55:8;57:1,9,15,23; 58:11,20;63:2;67:20, 20;68:15,20,24;69:9, 10,19;70:23;72:9,10; 74:1;75:7;79:1,9,19; 80:8;85:19;86:14,15, 18;87:2,8,11;90:10; 92:3,8,11,19;93:11; 99:20;101:6;110:1; 112:10,11;113:18,19; 114:4;115:6;119:9,9, 12;120:2,5;121:7; 123:20;124:3;125:5; 126:19;127:19;128:9, 19;129:21;130:23; 133:7,21;136:17; 137:3,4,13;142:12; 147:6;149:20;152:24; 155:8;156:12;158:10; 159:16,18,24;160:1, 15;161:14,23;162:10;	<b>caused (4)</b> 20:24;24:11;40:14; 67:10	<b>channels (7)</b> 10:11;12:5,6;13:4, 4;34:2;55:6
<b>bottom (2)</b> 67:5;107:3	<b>builder (1)</b> 50:23	<b>can (127)</b> 2:22;3:17;6:13; 7:10;9:9;10:24,24; 11:11,16;13:20,21,24; 14:22;18:11;20:14; 22:15,17,24;26:24; 28:20,22;29:21; 30:14;37:10,24;38:9; 41:24;42:1;43:3;48:9; 50:24;51:4,7,9;54:24; 55:8;57:1,9,15,23; 58:11,20;63:2;67:20, 20;68:15,20,24;69:9, 10,19;70:23;72:9,10; 74:1;75:7;79:1,9,19; 80:8;85:19;86:14,15, 18;87:2,8,11;90:10; 92:3,8,11,19;93:11; 99:20;101:6;110:1; 112:10,11;113:18,19; 114:4;115:6;119:9,9, 12;120:2,5;121:7; 123:20;124:3;125:5; 126:19;127:19;128:9, 19;129:21;130:23; 133:7,21;136:17; 137:3,4,13;142:12; 147:6;149:20;152:24; 155:8;156:12;158:10; 159:16,18,24;160:1, 15;161:14,23;162:10;	<b>causes (1)</b> 42:19	<b>Chapter (1)</b> 142:20
<b>boundary (2)</b> 16:10;148:16	<b>building (7)</b> 24:6;70:24;71:11; 76:13;78:18;82:12; 159:11	<b>calling (2)</b> 19:2;59:1	<b>causing (3)</b> 40:20;42:8;102:23	<b>characteristics (4)</b> 64:10,13;65:23; 68:13
<b>bowl (2)</b> 31:14;49:20	<b>buildings (5)</b> 49:8;50:22;76:2,4, 13	<b>calls (1)</b> 108:20	<b>caution (2)</b> 137:16,18	<b>chatter (1)</b> 112:9
<b>box (1)</b> 29:5	<b>built (8)</b> 21:10,20;38:15; 41:11,12,14;71:11; 158:15	<b>came (5)</b> 42:2;55:13;72:5; 114:15;139:22	<b>CCC (1)</b> 17:12	<b>check (11)</b> 55:8;62:6;97:12; 98:11;106:1;110:3,7; 114:20;165:14;166:8, 12
<b>Boy (1)</b> 139:17	<b>built-in (1)</b> 50:14	<b>can (127)</b> 2:22;3:17;6:13; 7:10;9:9;10:24,24; 11:11,16;13:20,21,24; 14:22;18:11;20:14; 22:15,17,24;26:24; 28:20,22;29:21; 30:14;37:10,24;38:9; 41:24;42:1;43:3;48:9; 50:24;51:4,7,9;54:24; 55:8;57:1,9,15,23; 58:11,20;63:2;67:20, 20;68:15,20,24;69:9, 10,19;70:23;72:9,10; 74:1;75:7;79:1,9,19; 80:8;85:19;86:14,15, 18;87:2,8,11;90:10; 92:3,8,11,19;93:11; 99:20;101:6;110:1; 112:10,11;113:18,19; 114:4;115:6;119:9,9, 12;120:2,5;121:7; 123:20;124:3;125:5; 126:19;127:19;128:9, 19;129:21;130:23; 133:7,21;136:17; 137:3,4,13;142:12; 147:6;149:20;152:24; 155:8;156:12;158:10; 159:16,18,24;160:1, 15;161:14,23;162:10;	<b>cc-ing (1)</b> 62:23	<b>checking (1)</b> 58:8
<b>Brad (1)</b> 171:12	<b>bullet (3)</b> 51:19;104:3,17	<b>calling (2)</b> 19:2;59:1	<b>cease (3)</b> 82:16;83:9,10	<b>chemical (1)</b> 68:12
	<b>bunch (1)</b> 162:1	<b>calls (1)</b> 108:20	<b>center (3)</b> 15:3;49:20;134:23	<b>chemicals (1)</b> 68:6
	<b>buried (1)</b> 36:2	<b>calling (2)</b> 19:2;59:1	<b>central (1)</b> 49:9	<b>chemist (1)</b> 108:4
	<b>business (3)</b> 83:13;90:24;91:16	<b>calling (2)</b> 19:2;59:1	<b>certain (7)</b> 32:2,3;34:8;85:2; 123:12;124:11; 130:16	<b>chief (1)</b> 105:2
	<b>busy (2)</b> 94:22;132:6	<b>calling (2)</b> 19:2;59:1	<b>certainly (16)</b> 22:7,10;30:13,17; 33:22;39:16;51:9; 76:12;79:17;80:8; 87:11;137:4;140:24; 143:23;156:14; 166:24	<b>children (1)</b> 165:22
		<b>calling (2)</b> 19:2;59:1	<b>Chair (3)</b> 120:12;122:19; 140:17	<b>choose (2)</b> 142:9;170:11
		<b>calling (2)</b> 19:2;59:1	<b>Chairman (12)</b>	<b>Chorus (2)</b> 3:5;174:8
		<b>calling (2)</b> 19:2;59:1		<b>CICATELLI (18)</b>

<p>16:23;17:3,6;18:7;                  22:12;52:22;84:6;                  118:20;120:11;                  122:10;146:10;                  159:23;161:4,13;                  162:21;163:15;                  167:15,18  <b>Cindy (7)</b>                  78:6,7,10;81:5;                  84:19;173:1,2  <b>circle (1)</b>                  12:1  <b>circulating (1)</b>                  30:9  <b>circumstances (2)</b>                  143:13;159:3  <b>Citation (1)</b>                  62:20  <b>city (2)</b>                  21:22,22  <b>Civilian (1)</b>                  17:15  <b>clarify (2)</b>                  30:21;147:16  <b>classified (1)</b>                  19:24  <b>clean (14)</b>                  15:22;27:14,17;                  46:9;47:2;53:8;79:20;                  105:18,20;126:15;                  130:3,12,15,19  <b>cleaned (4)</b>                  80:3;105:13,14;                  110:15  <b>cleaning (8)</b>                  30:10;43:10;51:20;                  80:8;100:3,9,11;                  126:10  <b>clear (8)</b>                  88:23;126:16;                  147:17;149:1;150:3;                  163:17,18,23  <b>clear-cut (1)</b>                  88:16  <b>cleared (1)</b>                  127:7  <b>clearing (1)</b>                  117:23  <b>clearly (2)</b>                  57:1;60:2  <b>client (1)</b>                  122:12  <b>clogged (5)</b>                  83:6;118:5;127:9;                  156:4;158:21  <b>close (1)</b>                  21:2  <b>closer (6)</b>                  4:8;6:7,8;7:11;                  84:16;117:4  <b>CO-CHAIR (341)</b>                  2:2,5;3:2,4,6,23;                  4:21;5:4,24;6:6,16,</p>	<p>20;7:10,14;8:3,18;                  9:4,12,16,20;10:24;                  11:5,11,16;12:3,8,20,                  23;13:13,16,19;                  14:15;15:10,19;16:8,                  13,17,21;17:1,4,8,14,                  17,20,24;18:5,13,22;                  19:3,7,11,20;20:3,10,                  14;21:14,17;22:4,10,                  15,24;23:4,7,10,15;                  24:2,7,9,19,23;26:2,6;                  27:7,11,19;28:5,10,                  17,24;30:1,19;31:1,3,                  14,17,20,23;34:12;                  38:9,13,17;39:7,18;                  40:1,4;43:9;45:2,14;                  46:1;48:6,17,21;49:7,                  13,19,23;50:11;51:7,                  10;53:22;56:2;57:23;                  58:6,12,17,21;59:5,                  12;61:18;62:9,13,17;                  63:7,13,20;64:15,20;                  65:13,17,21;66:9,16;                  67:13;68:2,9,15,17,                  22;69:4,6,14,18,20;                  70:1,14,18;71:6,10;                  72:17,20;73:2,4,7,11,                  18;74:1;75:7;76:22;                  77:5,8,12,16,20,24;                  78:4,6,9;79:12;80:12;                  81:5,14,20,24;82:4,7,                  23;83:15,18;84:4,12,                  15,23;85:10,13,16,21;                  86:1,7,15,18;87:1,9;                  88:4;89:4,7;90:10,13;                  91:19,23;92:4;93:11,                  15,23;108:18;112:14,                  17,24;113:8,11,20,23;                  114:3;115:6,12,21;                  116:1;117:3;126:2,9,                  11,18;127:2,4,13,22;                  128:14;129:9,12,15,                  19;130:8,20;131:3,12,                  19;132:3,10,17,19,23;                  133:4,9,12,16,19;                  134:4,6,8,12,17,21,                  24;135:7,11,14,16,19;                  136:3,6,13,16;137:2,                  8;139:21;141:21;                  142:11;143:10;144:3,                  6,9;145:1,3,8,20;                  146:5,16;147:6,13,21;                  148:1,6,15;149:8,12,                  15,20;150:6,11,14,17;                  151:7,13,20,24;                  152:13,18;153:1,7;                  154:4,22;155:6,9;                  159:8;160:4,7,10,13,                  16;161:10,18,21,24;                  162:19;163:11,21;                  164:3,8,11,15,19;                  165:7,11,15;166:15,                  20;167:3,11,17,19,24;</p>	<p>168:8,13;169:8,13;                  172:15;173:5,8,15;                  174:3,7,11  <b>collected (1)</b>                  32:11  <b>color (3)</b>                  95:2;108:14;144:21  <b>combined (1)</b>                  153:24  <b>comfortable (5)</b>                  71:3;131:17;132:1;                  159:21;160:4  <b>coming (11)</b>                  2:12;56:16;75:4;                  92:20,21,21;107:8;                  112:19;131:15;132:4;                  174:13  <b>comment (15)</b>                  37:10;43:21;57:3;                  63:8;65:3;71:7;72:24;                  83:21;84:22;89:4;                  122:16;140:15,16;                  141:16;155:11  <b>comments (12)</b>                  3:13;6:10;7:1,2,3,                  17,21;40:7;87:20;                  88:8;115:3;117:21  <b>Commission (81)</b>                  3:17,20;5:14,21;                  6:12;7:24;37:2;45:17;                  47:5,13;48:2;51:22;                  52:14,23;53:17;                  58:19;61:19;62:24;                  63:22;64:7;73:14;                  81:22;83:19;91:8;                  94:24;102:15;103:22;                  104:5,14;118:23;                  119:1,15;120:7,22;                  121:18,21;123:20;                  124:2;125:13,21,21,                  24;127:19;128:1,9,13,                  24;129:2;137:14;                  138:14,20;139:7;                  140:23;142:1,6,12;                  143:24;145:6;146:2,                  3,7;151:2,5,15;152:5,                  24;154:11,16;155:2,                  5;156:22;157:24;                  162:22;163:18;164:1,                  6;165:12;167:21;                  168:5;169:5;170:15  <b>Commissioners (4)</b>                  140:17;141:10,13;                  148:19  <b>Commission's (5)</b>                  128:2;145:5;                  148:21;161:6;168:12  <b>Committee (1)</b>                  3:16  <b>commonly (1)</b>                  17:11  <b>Commonwealth (1)</b>                  138:12</p>	<p><b>companies (1)</b>                  85:7  <b>company (4)</b>                  66:6;86:21;87:18;                  88:10  <b>compel (1)</b>                  114:21  <b>competence (1)</b>                  123:3  <b>competent (2)</b>                  75:19;76:11  <b>compiled (1)</b>                  32:2  <b>complaining (1)</b>                  84:8  <b>complete (1)</b>                  120:21  <b>completed (2)</b>                  62:3;147:11  <b>completing (1)</b>                  109:13  <b>compliance (4)</b>                  102:4;110:9;141:2;                  142:24  <b>complied (1)</b>                  147:4  <b>comply (3)</b>                  100:7;122:5;144:1  <b>component (1)</b>                  42:6  <b>compost (8)</b>                  107:1,3,6,9,11,23;                  108:7;123:13  <b>composting (3)</b>                  82:16,18,21  <b>comprehensive (3)</b>                  68:23;119:5;121:5  <b>comprehensively (1)</b>                  120:6  <b>concern (3)</b>                  8:7;103:21;147:8  <b>concerned (4)</b>                  58:8;77:9;130:3;                  160:22  <b>concerning (3)</b>                  102:5;144:17;166:5  <b>concerns (4)</b>                  120:21;123:15;                  161:6;168:24  <b>conclude (1)</b>                  143:4  <b>conclusion (3)</b>                  46:21,24;71:20  <b>conclusions (9)</b>                  4:10;5:3;46:6,7,11,                  11,16,19;86:23  <b>concrete (1)</b>                  51:16  <b>condemnations (1)</b>                  85:2  <b>condition (6)</b>                  29:21;42:7,18;                  44:15;118:3;156:16</p>	<p><b>conditions (17)</b>                  15:4,24;17:22;                  26:16;44:10,10;                  45:24;49:1;51:5;71:4;                  72:4;74:11;76:8;                  106:6;118:2;122:1;                  156:3  <b>Condominiums (2)</b>                  101:15,16  <b>condos (1)</b>                  18:8  <b>confidence (2)</b>                  124:23;125:14  <b>confident (1)</b>                  123:18  <b>confirm (1)</b>                  79:18  <b>confirmation (1)</b>                  58:1  <b>confirmed (2)</b>                  59:11;140:13  <b>conflicting (2)</b>                  151:3;152:8  <b>confusion (1)</b>                  133:10  <b>connect (2)</b>                  94:17;105:23  <b>connected (1)</b>                  24:14  <b>connections (1)</b>                  12:12  <b>consensus (2)</b>                  158:15;159:1  <b>consent (14)</b>                  55:5;61:22;102:6,7,                  8,11;107:21;109:21,                  24;114:16;127:19;                  128:7,7;145:16  <b>Consequently (1)</b>                  114:24  <b>Conservation (18)</b>                  17:15;58:19;62:24;                  63:22;64:6;81:22;                  83:19;91:8;94:24;                  102:15;103:21;104:5,                  14;127:19;128:24;                  129:1;139:7;161:7  <b>consider (6)</b>                  20:5,7;54:20;56:18;                  95:24;152:5  <b>considerably (1)</b>                  39:13  <b>considered (5)</b>                  18:22,23;30:18;                  105:7,8  <b>consist (1)</b>                  73:23  <b>consistent (1)</b>                  91:18  <b>consistently (1)</b>                  26:3  <b>constantly (1)</b>                  31:16</p>
---	---	--	--	---

<b>constructed (2)</b> 54:23;60:10	104:4;167:4	146:15	36:19;42:14;44:2; 57:12;62:6;166:4,7	<b>deal (1)</b> 148:23
<b>constructing (1)</b> 76:12	110:18;115:5	<b>court (4)</b> 101:10,11;112:6; 143:9	<b>currently (4)</b> 12:24;132:22; 133:2;135:2	<b>deals (1)</b> 143:20
<b>construction (1)</b> 140:8	111:24;130:6,7	<b>courts (1)</b> 171:12	<b>curved (1)</b> 54:4	<b>debris (15)</b> 13:6,11;25:4;30:5; 46:22;106:16;109:18; 113:11;130:2;140:9; 160:19,20;161:1,15; 162:13
<b>consultant (1)</b> 123:21	148:8	<b>cover (2)</b> 57:14;60:21	<b>cut (1)</b> 14:7	<b>decade (1)</b> 96:9
<b>consultants (2)</b> 137:14;160:3	114:7	<b>crates (1)</b> 109:19	<b>D</b>	<b>decades (2)</b> 129:18,18
<b>contact (4)</b> 40:2;83:22;91:10; 104:6	106:15	<b>crazy (2)</b> 113:7;172:20	<b>dad (1)</b> 169:19	<b>December (1)</b> 63:1
<b>contacted (1)</b> 59:10	<b>copies (2)</b> 93:17;95:3	<b>create (2)</b> 15:16,17	<b>dad's (1)</b> 170:3	<b>decide (1)</b> 123:20
<b>contain (1)</b> 90:6	<b>copper (1)</b> 108:3	<b>created (1)</b> 99:18	<b>dam (16)</b> 29:16;51:16;97:9, 12,13,15,24;98:6,11; 106:1;110:3,8; 114:20;155:19;166:8, 12	<b>decided (4)</b> 73:12;85:16;87:4,5
<b>contamination (2)</b> 67:11;68:1	<b>copy (5)</b> 63:5,11;81:9;93:12, 16	<b>creation (1)</b> 157:12	<b>dams (1)</b> 114:18	<b>decision (7)</b> 82:20;84:20; 139:10;150:10;151:5; 154:13;168:12
<b>content (1)</b> 133:11	<b>Corcoran (17)</b> 4:22;5:8;43:19; 50:20;78:17;91:6; 95:5;109:18;110:21; 114:2,7,14,17,19; 151:8;166:4;170:21	<b>credibility (1)</b> 138:4	<b>Dan (1)</b> 104:19	<b>decisions (3)</b> 88:16,17;159:19
<b>continual (1)</b> 102:20	<b>Corps (7)</b> 17:16;57:8;58:2,5, 14,22;59:2	<b>critical (2)</b> 125:3,4	<b>dare (1)</b> 138:10	<b>deep (7)</b> 64:1;69:24;70:8; 71:8,16;73:1;76:3
<b>continuation (1)</b> 154:9	<b>corrected (3)</b> 9:4;22:3;150:23	<b>cross (3)</b> 12:11;95:22;111:17	<b>dark (1)</b> 14:9	<b>deeper (2)</b> 71:17;76:7
<b>continue (8)</b> 77:15,16;78:23; 79:3;146:3;158:17; 173:23;174:1	<b>corner (3)</b> 8:8;46:19;56:6	<b>crowd (2)</b> 2:15;173:19	<b>Daschel (1)</b> 165:24	<b>defer (2)</b> 128:10;138:23
<b>continued (1)</b> 103:24	<b>Corps (7)</b> 17:16;57:8;58:2,5, 14,22;59:2	<b>crucial (1)</b> 100:15	<b>data (8)</b> 4:13,18;32:10; 36:19,22;151:17; 152:7;154:2	<b>define (1)</b> 37:4
<b>continues (2)</b> 50:15;82:21	<b>correctly (5)</b> 41:1;53:8;64:17; 79:14;152:1	<b>crystal (1)</b> 56:13	<b>date (8)</b> 19:16;32:3;82:19; 147:8,14;150:16; 174:4,9	<b>defined (4)</b> 37:17;48:20,24; 155:15
<b>continuing (1)</b> 83:13	<b>correlate (1)</b> 64:21	<b>cubic (1)</b> 106:17	<b>dated (3)</b> 32:6;81:17;83:8	<b>definitely (2)</b> 2:18;54:13
<b>contract (3)</b> 2:21,24;24:22	<b>corresponded (1)</b> 14:11	<b>culvert (81)</b> 9:1,3;10:4,12;11:6, 9,19;14:24;15:1; 20:20,22,23;21:1,5,7, 21,24;22:1,8,8;24:15, 16,17,17;25:2,9,14, 14,17,20,20,24;26:9, 9,12,19;27:14,17,19; 28:3,16,22;31:10,11; 32:7;33:14,34:1; 35:22;41:14;42:19, 21,24;43:11;46:10; 47:2;51:20;53:10; 56:16,17;77:9,11,19; 79:17;80:9;96:14,18; 100:10;101:12,13; 112:20;118:5;126:8; 127:1,3;129:5;156:1, 2,4;157:3;171:10; 172:9	<b>daughter (1)</b> 160:22	<b>definition (2)</b> 37:16;152:9
<b>contracted (1)</b> 59:20	<b>correspondence (1)</b> 141:17	<b>culvert's (1)</b> 20:22	<b>David (1)</b> 81:10	<b>definitive (2)</b> 5:3;99:9
<b>contributing (3)</b> 43:23;44:21,23	<b>corrugated (1)</b> 111:19	<b>curious (8)</b> 8:5,9;14;18:13; 58:21;61:23,24;62:4; 90:8	<b>DAY (32)</b> 3:3;6:17,19;9:13; 15:2;58:10,13,20; 72:9,16;90:1;110:9; 115:9;116:10,18; 118:6;130:23;131:4, 10,15,18,21;132:9; 133:13;136:14;159:4; 160:22;161:2;162:12; 165:14;172:11;174:1	<b>degraded (2)</b> 91:4;140:5
<b>contribution (1)</b> 44:20	<b>cost (2)</b> 98:1;170:19	<b>current (7)</b>	<b>days (4)</b> 9:15;136:11;155:3; 159:18	<b>delineate (1)</b> 90:16
<b>control (3)</b> 29:4;42:4;97:11	<b>costly (1)</b> 172:7		<b>dead-ends (1)</b> 23:10	<b>delineated (1)</b> 140:4
<b>controlled (2)</b> 97:16,19	<b>cot (2)</b> 96:15,17		<b>deadline (1)</b> 155:3	<b>delineation (2)</b> 148:4,6
<b>convenient (1)</b> 169:5	<b>Counsel (11)</b> 105:1,2;115:8,24; 122:17;125:20; 143:24;146:1,13; 148:24;161:7			<b>Dennis (7)</b> 13:2;14:2;33:7; 37:9;45:20;57:23; 59:17
<b>conversation (1)</b> 169:2	<b>counter (1)</b> 59:17			<b>dense (1)</b> 98:8
<b>conversations (1)</b> 135:2	<b>counts (1)</b> 75:17			<b>DEP (18)</b> 55:1,1;102:5,13; 103:9,16;104:6; 105:1,15,16,17;106:5; 107:20;113:2;121:14;
<b>convert (1)</b> 44:13	<b>couple (11)</b> 20:9;32:1;40:8; 46:9;76:3;82:8;87:21; 132:7;155:14;163:2,9			
<b>convey (3)</b> 15:7;16:1;19:18	<b>course (4)</b> 93:4;144:13,23;			
<b>conveyance (9)</b> 15:15,23;16:4,5; 17:19;25:5;44:11,22, 22				
<b>Conway (5)</b> 62:22;63:18,21;				

122:5;143:1,8 <b>Department (4)</b> 104:6,12;162:1,2 <b>depending (1)</b> 15:4 <b>deposit (2)</b> 64:2;72:6 <b>deposits (1)</b> 75:15 <b>depth (1)</b> 125:8 <b>describe (1)</b> 74:6 <b>describing (2)</b> 68:12;109:18 <b>design (4)</b> 66:24;74:7,8;76:2 <b>designed (1)</b> 121:13 <b>desire (2)</b> 104:10;145:15 <b>desist (3)</b> 82:16;83:10,10 <b>detail (2)</b> 83:20;94:20 <b>detailed (1)</b> 151:3 <b>details (1)</b> 161:8 <b>detention (7)</b> 24:6;26:18,20;50:7, 8;56:6;100:2 <b>determination (2)</b> 82:13;107:17 <b>determine (4)</b> 8:23;33:9,17;64:9 <b>determined (6)</b> 20:8;90:23;108:21; 113:15;146:18;148:2 <b>develop (3)</b> 23:17;149:5;168:23 <b>developed (5)</b> 22:22;23:12,22; 46:21;99:5 <b>developer (3)</b> 21:23,23;169:20 <b>developers (1)</b> 123:17 <b>developing (1)</b> 158:1 <b>development (7)</b> 44:18;64:11;66:3, 20;67:18;74:7;171:24 <b>develops (1)</b> 163:3 <b>dialogue (1)</b> 158:17 <b>different (14)</b> 45:9;69:2,7;74:10; 84:7;90:5;122:7; 126:16;128:5,8; 151:8,9,11;159:19 <b>difficult (5)</b>	13:10;33:21;39:24; 157:6;158:20 <b>difficulty (1)</b> 95:13 <b>dig (3)</b> 17:10;58:2;124:10 <b>digging (1)</b> 15:14 <b>direct (2)</b> 60:11;96:13 <b>directing (1)</b> 61:11 <b>direction (18)</b> 10:10;13:10;14:22; 15:5;43:3;60:11; 92:11,22;94:9;99:1,7, 13;102:2;104:11,16; 132:16;134:11,15 <b>directions (2)</b> 15:6;101:22 <b>directly (3)</b> 84:19;96:17;132:9 <b>dirt (3)</b> 107:6;140:9;162:24 <b>disagree (1)</b> 101:23 <b>disappear (1)</b> 43:6 <b>disappears (1)</b> 97:24 <b>disaster (1)</b> 171:14 <b>discharge (1)</b> 96:13 <b>discharges (2)</b> 10:16;96:18 <b>disciplines (2)</b> 138:7,11 <b>discuss (5)</b> 39:22;128:13; 153:2;163:4;164:6 <b>discussed (5)</b> 52:7;94:19;103:14; 144:19;149:3 <b>discussion (4)</b> 39:19;103:24; 159:4;168:21 <b>displayed (1)</b> 92:19 <b>disposition (1)</b> 142:20 <b>dispute (1)</b> 38:6 <b>disrespectful (1)</b> 81:21 <b>disseminated (1)</b> 95:5 <b>distance (1)</b> 130:16 <b>disturb (1)</b> 149:9 <b>disturbance (1)</b> 67:9	<b>disturbed (1)</b> 148:19 <b>ditch (33)</b> 14:6,8;15:16;18:16, 19,23;19:3,13,21; 20:3;53:9;54:4,5; 57:4,4,11,13,21; 97:14;99:13;100:5; 101:2,9;105:13,20; 108:15;111:7,13; 114:18,19;129:5; 130:5;135:8 <b>ditched (4)</b> 14:11;15:9;19:5,6 <b>ditches (50)</b> 14:18,19;15:6,10, 15;16:17,22;17:5,8, 10,11;21:11,11;30:2; 31:4;44:8,14;54:3; 56:10,14;57:19;58:3; 59:19,20;61:10; 92:24;93:6,22;94:6, 16,18;101:1,5;102:1; 105:6,23;109:11,16, 19;110:15,19;111:1, 3;112:5;114:8;134:9; 135:1;141:5,6;157:13 <b>ditching (3)</b> 19:17;57:10,17 <b>divide (10)</b> 33:7,13;100:24; 101:3,4,22,24;153:22; 155:19;156:11 <b>divides (1)</b> 34:17 <b>dividing (1)</b> 56:15 <b>doctor (1)</b> 124:15 <b>document (27)</b> 35:2,16;93:2;95:15; 99:22;100:14,15; 101:17;102:3;103:12, 20;104:23,24;106:7,7, 14,21,21;107:10,22, 22;108:11,24;109:5, 9;113:17;129:8 <b>documents (6)</b> 39:3;59:9;103:13; 105:9;113:2,4 <b>Doleful (4)</b> 80:14;114:11; 135:9,14 <b>done (38)</b> 13:5;15:8;23:19,21; 27:16;30:14;41:2; 46:17;59:3;69:7,24; 71:2,2;76:4;86:1; 89:2;98:16,18,20; 99:23;102:5;103:19; 108:16;110:20;115:4; 120:7;122:24;123:19; 124:6;143:6,7;	161:14;164:10,12; 170:13;171:19,22; 172:13 <b>Donna (6)</b> 56:4;79:16;90:14, 23;95:10;166:11 <b>Donnell (1)</b> 171:12 <b>Donuts (4)</b> 9:2;11:7;15:2; 56:17 <b>dot (4)</b> 11:3,7,8,20 <b>dot's (1)</b> 10:23 <b>doubt (1)</b> 73:15 <b>down (30)</b> 4:16;10:22;11:21; 15:1;16:2;26:4,11; 33:1;40:15;49:3; 50:21;65:7;70:13; 75:21;77:15,18,18; 82:6;88:22;89:18; 95:21;115:14;124:9; 134:2;135:17,18; 159:14;161:3,16; 171:10 <b>downhill (1)</b> 26:13 <b>downpour (1)</b> 111:18 <b>downstairs (4)</b> 173:1,4,7,17 <b>downstream (19)</b> 10:1;21:20;25:2; 26:17;28:15,21,21; 41:24;42:7;43:16; 44:12;45:23;53:9; 96:12;100:2,12; 156:2,7;158:5 <b>dozen (1)</b> 60:4 <b>DPW (1)</b> 104:20 <b>draft (1)</b> 105:16 <b>Dragone (1)</b> 104:19 <b>drain (11)</b> 17:23;21:12;31:4; 34:15;94:11,18,19; 96:10;153:14,16,21 <b>drainage (26)</b> 4:15;25:1;32:7; 53:9;57:8;61:24; 92:15;98:19;99:4; 100:4,12,16,24;101:1, 2,2,4,22,24;103:20; 104:1;117:23;129:7; 141:6;155:16;170:17 <b>drained (3)</b> 12:19,21;30:8	<b>draining (5)</b> 34:13;80:16;83:5; 98:14;99:17 <b>drains (5)</b> 93:2,8;99:19; 101:14;129:5 <b>draw (1)</b> 133:6 <b>drawing (1)</b> 11:14 <b>dredge (1)</b> 96:7 <b>dredged (1)</b> 83:12 <b>dredging (2)</b> 30:2,20 <b>drive (1)</b> 89:20 <b>driving (1)</b> 89:16 <b>drop (1)</b> 169:22 <b>dry (3)</b> 80:21;112:5;162:12 <b>duck (1)</b> 143:18 <b>due (1)</b> 102:22 <b>Dufour (2)</b> 81:11,15 <b>D-u-f-o-u-r (1)</b> 81:16 <b>dug (7)</b> 15:11,11,13;17:8, 12;21:11,11 <b>dump (1)</b> 172:10 <b>dumped (1)</b> 30:5 <b>dumps (1)</b> 144:18 <b>Dunkin' (5)</b> 9:1,2;11:7;15:1; 56:17 <b>during (17)</b> 15:23;17:12;40:19, 22;44:16;74:7;90:24; 91:2;95:18;97:6; 99:17;100:20;101:19; 106:8;109:5;139:23; 168:20
<b>E</b>				
			<b>earlier (6)</b> 42:12;118:18,19; 126:11;139:22; 140:20 <b>early (2)</b> 21:18;24:22 <b>earth (2)</b> 97:15;98:10 <b>earthen (10)</b>	

97:9,11,15,24;98:6; 110:2,7;114:20; 166:8,12 <b>easement (4)</b> 93:2;105:19; 109:16;129:8 <b>easier (3)</b> 32:16;63:12;132:16 <b>easily (4)</b> 42:24;43:4;110:1; 112:8 <b>east (10)</b> 92:13;93:8,9;94:9; 134:4,6,7,20,21; 155:18 <b>easterly (3)</b> 12:16;57:18;109:11 <b>easy (2)</b> 79:13;98:2 <b>Eaton (20)</b> 62:19,20,20;63:4, 10,14,23;65:15,20,22; 66:7,14,17;67:3,22; 68:7;69:1,5,12,17 <b>edge (1)</b> 140:10 <b>effect (3)</b> 41:20;102:9,11 <b>efficient (1)</b> 29:13 <b>effort (1)</b> 159:1 <b>either (17)</b> 10:3;14:22;15:5; 34:14;45:18;46:23; 59:4;60:24;68:14; 130:6;138:8,18; 148:3;154:23;156:15; 161:6;171:15 <b>elevating (1)</b> 158:1 <b>elevation (15)</b> 21:1;22:3;25:15; 31:11;36:1;37:19; 39:4;48:12;49:2,3,15, 20;156:23,23;158:2 <b>elevations (8)</b> 21:2;32:8;101:7,8, 9,10,10,12 <b>eliminates (1)</b> 98:4 <b>eliminating (1)</b> 115:2 <b>Ell (4)</b> 80:18;135:16,18,22 <b>Ellen (13)</b> 93:8;98:23;99:4,9, 15,17,19;111:4,11; 114:22;140:19; 141:18;143:18 <b>else (13)</b> 27:17;53:22;61:18; 62:13;78:6;84:12;	113:13;126:13; 128:15;131:24; 158:24;165:11; 172:18 <b>elsewhere (1)</b> 50:3 <b>e-mail (5)</b> 58:17;104:24; 131:1,7,23 <b>eminent (1)</b> 104:4 <b>employ (2)</b> 110:7;114:20 <b>employed (1)</b> 64:9 <b>empty (1)</b> 80:21 <b>encourage (1)</b> 105:22 <b>encouraged (1)</b> 166:3 <b>encouraging (1)</b> 105:18 <b>end (11)</b> 28:15,21;29:19,20; 77:3;85:10,11,13; 89:21;150:10;165:23 <b>ended (1)</b> 54:1 <b>ends (1)</b> 85:12 <b>enforce (3)</b> 109:20;127:19; 141:1 <b>enforcement (9)</b> 128:3;141:11; 142:7,14,22;143:11, 19;145:17,22 <b>engineer (17)</b> 4:12,15;22:12;36:6; 48:8;64:8,12;66:8,8; 71:19;86:4;96:3; 98:13;106:15;121:23; 137:19;153:17 <b>engineering (16)</b> 28:12;36:7;98:5,15, 16,17,18;99:23,24; 100:18,19;101:17; 137:22;138:5;155:14; 158:11 <b>Engineers (12)</b> 57:8;58:2,5,14,22; 96:5;112:23;113:3, 18;124:14;137:21; 158:14 <b>enormous (1)</b> 116:23 <b>enough (6)</b> 16:1;71:9,16;73:10; 143:23;164:5 <b>entering (1)</b> 89:19 <b>enters (1)</b>	99:19 <b>entire (4)</b> 8:22;33:11;51:24; 64:3 <b>entirely (1)</b> 105:14 <b>entitled (5)</b> 98:19;99:10,16; 103:20;152:7 <b>entrance (1)</b> 18:9 <b>entraps (1)</b> 64:4 <b>Environmental (3)</b> 104:7,13;125:3 <b>envision (1)</b> 64:2 <b>erosion (1)</b> 42:4 <b>especially (5)</b> 15:23;30:2;113:6; 160:22;170:18 <b>essentially (2)</b> 14:16,21 <b>estimate (1)</b> 74:14 <b>estimated (2)</b> 34:6;106:17 <b>evaluate (2)</b> 66:21;98:11 <b>evaluation (2)</b> 36:18;67:2 <b>eveing (1)</b> 150:19 <b>even (9)</b> 17:9;24:24;50:17; 60:19;83:20;90:2; 98:10;117:11;173:9 <b>evening (4)</b> 5:13;6:23;46:5; 128:2 <b>events (1)</b> 40:19 <b>eventually (7)</b> 11:9;40:16;74:13, 16;135:9;142:24; 143:8 <b>everybody (3)</b> 57:7;73:20;173:11 <b>everybody's (1)</b> 134:1 <b>everyone (5)</b> 87:8;92:11;97:14; 133:7;159:24 <b>everyone's (1)</b> 92:15 <b>Everything's (1)</b> 164:3 <b>evidence (4)</b> 12:8;14:17,19;59:7 <b>evident (1)</b> 15:6 <b>exacerbate (1)</b>	170:20 <b>exact (2)</b> 155:18;156:12 <b>exactly (5)</b> 25:14;45:11; 120:15;161:16; 171:13 <b>example (2)</b> 87:14;153:20 <b>excavated (4)</b> 54:6;57:4,7;60:2 <b>excavator (1)</b> 109:2 <b>except (2)</b> 67:14;96:23 <b>excess (1)</b> 48:10 <b>excuse (9)</b> 46:24;48:23;69:5; 71:14;86:17;98:17; 132:18,24;133:23 <b>exempt (1)</b> 105:7 <b>exist (2)</b> 23:4;121:9 <b>existed (1)</b> 67:19 <b>existing (3)</b> 44:9;100:4,8 <b>expect (2)</b> 117:14;154:21 <b>expected (1)</b> 117:16 <b>expense (1)</b> 98:4 <b>experience (3)</b> 123:16;145:21; 170:12 <b>expert (5)</b> 66:17;69:15;72:15; 73:10;137:1 <b>expertise (7)</b> 66:21,23;73:15; 85:8;86:10,22;138:18 <b>experts (10)</b> 69:16;71:2;72:14, 18;73:10;85:5; 138:15;139:14;155:4; 171:22 <b>explain (2)</b> 5:17;142:12 <b>extend (2)</b> 43:4;75:24 <b>extending (1)</b> 106:11 <b>Extension (5)</b> 98:20,23;99:10,16, 17 <b>extent (3)</b> 60:10;148:20; 155:11 <b>extremely (2)</b> 14:17;15:3	<b>eyes (2)</b> 136:24;139:17 <hr/> <b>F</b> <hr/> <b>fabric (1)</b> 98:9 <b>facility (3)</b> 18:18;19:9;97:10 <b>fact (11)</b> 46:23;48:11;58:2; 63:24;83:2,7;90:22; 140:4,10;151:7;157:7 <b>factors (1)</b> 125:7 <b>facts (1)</b> 142:2 <b>failed (2)</b> 42:4;107:12 <b>fails (1)</b> 41:19 <b>failure (4)</b> 40:12,14,24;144:1 <b>fair (21)</b> 47:12;59:6;74:2; 116:7,8,9,14,17; 117:10;119:19;121:7, 8;137:12;139:19,20; 154:12,19,22;164:5; 170:23,23 <b>fairly (2)</b> 121:8;169:24 <b>faith (2)</b> 122:21;124:23 <b>familiar (1)</b> 171:19 <b>family (1)</b> 56:20 <b>far (9)</b> 4:6;18:11;58:8; 76:10,24;77:8; 141:23;158:11;161:1 <b>Farm (91)</b> 3:9;4:16,17;8:9,23; 9:3,24;10:3,4,13; 11:13,15;12:12,16,18; 13:8,17;16:11,13,22; 17:5,9;20:21,24; 21:10;24:18;25:22, 23;26:3,7,7;28:8; 30:5,7;33:16;38:23; 39:4,15;40:13;41:1,7, 19;42:2,3;43:1,7,12, 19,22;44:17;45:7; 58:16;60:14;64:14; 65:23;76:17,21; 79:13;80:16,22,23,24; 81:18;82:14,15,19; 83:3,5,12;84:21; 89:11,20;90:5;91:9, 18;92:10;94:6;96:2, 24;97:5;103:10; 104:11;107:2,5;
---	---	--	---	--

<p>108:12;110:22,24;                  142:15;160:24;                  165:24;166:11  <b>farming (3)</b>                  38:24;39:15;84:9  <b>farms (1)</b>                  22:23  <b>faster (1)</b>                  99:20  <b>favor (3)</b>                  3:4;10:24;174:7  <b>favorable (1)</b>                  139:10  <b>federal (1)</b>                  108:6  <b>feel (6)</b>                  57:7;86:16,19;                  138:8;139:16;167:1  <b>feeling (1)</b>                  144:4  <b>feels (1)</b>                  125:24  <b>feet (17)</b>                  10:4,13;31:13;                  39:11;49:2;70:6,9,13,                  17;71:8,15;75:21,23;                  76:1;106:10,11;                  148:16  <b>Fells (1)</b>                  78:7  <b>FEMA (4)</b>                  36:18;37:17;                  150:24;151:1  <b>fence (5)</b>                  130:17;140:4;                  145:12;147:19;                  148:11  <b>few (11)</b>                  2:4;20:15;65:18;                  70:4;76:6,8;89:20;                  91:11;93:17;115:19;                  172:11  <b>fewer (1)</b>                  137:17  <b>field (3)</b>                  32:11;33:9;39:15  <b>fields (7)</b>                  21:2,3,6,9,12,13;                  31:12  <b>figure (2)</b>                  35:19;120:6  <b>figured (1)</b>                  23:23  <b>figuring (1)</b>                  78:16  <b>file (2)</b>                  142:14;148:23  <b>filed (5)</b>                  4:10,11;143:11,12;                  162:18  <b>filing (1)</b>                  163:16  <b>fill (15)</b></p>	<p>26:22;48:9;49:4,14,                  17,18;55:16,20;65:8;                  69:8;108:20;109:11;                  145:12,15;166:5  <b>filled (8)</b>                  14:5;15:7;38:19,19,                  19,24;67:18;83:11  <b>filling (6)</b>                  13:7,13,15,16;                  18:14;94:12  <b>fills (1)</b>                  38:21  <b>final (3)</b>                  115:4;121:6,22  <b>find (9)</b>                  12:23;39:7;67:22;                  71:21,22;73:23;85:5;                  144:23;172:8  <b>findings (1)</b>                  64:14  <b>fine (3)</b>                  65:5;132:11;165:13  <b>finger (2)</b>                  96:15,17  <b>finish (2)</b>                  17:1;20:11  <b>fire (2)</b>                  161:24;162:2  <b>firm (1)</b>                  36:7  <b>firms (1)</b>                  155:15  <b>first (26)</b>                  2:19;15:9,11;20:11;                  27:16;32:23;51:18,                  19;74:23;78:24;79:8;                  96:6;98:16,17,22;                  115:14;121:7,12,16;                  152:21;161:17;163:6,                  7;168:21;171:7;                  173:19  <b>fit (1)</b>                  167:22  <b>fits (1)</b>                  173:18  <b>five (7)</b>                  29:17;50:21;51:13;                  63:16;87:24;128:11;                  147:23  <b>Five-page (1)</b>                  88:6  <b>fix (6)</b>                  28:20;42:9;45:23;                  91:7,10;172:10  <b>fixed (1)</b>                  47:9  <b>flap (1)</b>                  43:2  <b>flat (14)</b>                  14:20;15:3,13,18;                  21:8;31:13;33:21;                  37:7;65:5;72:2,6;                  94:6,10;110:11</p>	<p><b>flaw (1)</b>                  74:24  <b>flood (17)</b>                  15:23;21:9;36:18,                  20;37:18;38:8;48:12,                  13,16,18,19;100:3;                  150:24;151:1,2,3;                  152:9,11  <b>flooded (10)</b>                  21:6;46:20;79:3;                  102:17,18;106:13;                  107:13;112:2;166:13;                  171:11  <b>flooding (51)</b>                  8:8,17;20:24;21:21;                  26:17,23;27:5;28:18;                  37:12,16,20;40:11,15,                  19,21;41:21;44:23;                  45:6,7;47:17;49:1,5,                  12;50:16,18,19;                  78:23;79:23;94:21;                  97:5,11,21,24;98:4;                  102:20,22,23;106:6;                  114:9,24;115:1,2;                  121:19;122:1;135:24;                  153:10;159:14;166:1,                  2,10;170:2  <b>floods (1)</b>                  38:21  <b>flow (59)</b>                  12:9;14:17,19,22;                  15:5,8,12,23;16:4,5;                  19:18;21:4;24:16;                  25:6,20;29:13;30:10;                  34:4;39:21;42:20,20;                  44:12;46:22;54:16;                  55:14;56:14;59:21;                  60:3,11;61:11;65:24;                  66:2;74:15,16;77:15,                  18;79:24;90:7;92:18,                  20,22,23;94:8,9;97:4,                  19;98:11;99:6;101:6;                  111:3,14;112:19;                  121:15;127:6;135:1,                  3;136:23;137:1;                  155:24  <b>flowing (14)</b>                  12:10;13:10;25:16;                  29:22;33:10;34:8;                  61:15;79:22;95:13;                  99:12;102:1;104:10;                  112:1;170:5  <b>flows (13)</b>                  10:3;14:9;26:8;                  28:3;42:21;43:3;                  76:16,16,17;96:12;                  99:1;101:21;157:4  <b>flying (2)</b>                  85:6;162:14  <b>folks (12)</b>                  2:2;5:24;86:20;                  116:2;119:5;122:22;                  124:22,24;125:9;</p>	<p>138:2;173:16,24  <b>follow (4)</b>                  11:16,20;37:15,23  <b>following (3)</b>                  35:1;104:23;110:9  <b>follows (1)</b>                  57:11  <b>follow-up (1)</b>                  127:17  <b>foolish (1)</b>                  168:4  <b>foot (2)</b>                  149:2,9  <b>force (6)</b>                  26:4,11;28:16;43:4;                  99:15;109:21  <b>forced (1)</b>                  28:12  <b>forceful (1)</b>                  99:18  <b>forever (1)</b>                  120:2  <b>forget (5)</b>                  10:6;34:21;45:3;                  112:20;149:13  <b>form (1)</b>                  86:13  <b>formalize (1)</b>                  152:22  <b>formally (2)</b>                  164:2,4  <b>former (2)</b>                  12:9;63:21  <b>formerly (4)</b>                  16:21;17:4;55:18,                  24  <b>forth (9)</b>                  85:6;118:14;                  119:14;120:2,13,19;                  122:14;128:22;                  170:18  <b>forward (3)</b>                  43:20;45:17;129:21  <b>found (11)</b>                  9:8;64:16,18;68:7;                  71:4,22;76:7;102:13;                  103:9;106:12;123:16  <b>four (9)</b>                  33:24;35:15;87:24;                  98:15;147:22;158:16;                  159:16;165:3,3  <b>fourth (2)</b>                  46:21;100:18  <b>Franklin (63)</b>                  9:23;10:21,23;11:1,                  3;14:24;16:3,3,4,6;                  18:6,19;19:8;20:19;                  21:20;24:12,14;25:2,                  14,18,19,19,22;26:14,                  20;28:13;29:23;32:7;                  33:12;34:1,11;42:21;                  43:5;44:14;53:9;                  74:17;76:18,19;</p>	<p>78:16;79:5;92:13;                  95:16,18,22;96:8,14,                  18;99:2;100:9,10,13;                  101:13,14;104:1;                  112:19;113:12,16;                  134:2;135:5,6,7;                  156:1;157:4  <b>Frankly (2)</b>                  45:20;154:22  <b>Friday (1)</b>                  6:4  <b>front (1)</b>                  103:22  <b>fruitless (1)</b>                  159:1  <b>FSL (2)</b>                  112:22;113:14  <b>full (12)</b>                  25:9,11;31:16;                  80:15;95:12;96:23;                  110:3;111:3,13;                  115:10;125:14,23  <b>fully (1)</b>                  82:21  <b>function (1)</b>                  143:14  <b>functioning (4)</b>                  26:1,3;79:14,15  <b>functions (1)</b>                  157:5  <b>funding (1)</b>                  104:21  <b>funds (2)</b>                  171:5,16  <b>further (6)</b>                  52:11;76:14;78:3;                  119:22;120:15;                  125:12  <b>Furthermore (1)</b>                  101:7  <b>fuse (1)</b>                  29:4  <b>future (2)</b>                  56:5;158:3  <b>fuzzy (1)</b>                  2:18</p>
<b>G</b>				
<p><b>GALLOGLY (5)</b>                  45:12,16;47:3;51:4,                  9  <b>gauging (1)</b>                  155:22  <b>gave (4)</b>                  93:13,16;97:8;                  118:22  <b>Gavin (1)</b>                  153:20  <b>general (4)</b>                  78:15;99:1;105:1,                  9  <b>generally (3)</b></p>				

74:24;88:10;154:12 <b>General's (1)</b> 143:2 <b>generated (2)</b> 107:2,4 <b>generation (1)</b> 135:24 <b>gentleman (2)</b> 76:23;109:17 <b>geology (4)</b> 63:19,23,24;138:18 <b>geotechnical (3)</b> 64:7;71:19;124:14 <b>Gerald (10)</b> 8:20;67:15;78:15; 79:5;80:24;97:21; 115:1;162:8;165:23; 166:1 <b>germinate (1)</b> 107:14 <b>germination (1)</b> 107:2 <b>gets (2)</b> 80:3;136:9 <b>giant (2)</b> 148:11,13 <b>given (3)</b> 72:22;83:9;147:1 <b>giving (2)</b> 79:10;105:17 <b>glacial (2)</b> 72:1,4 <b>glacier (2)</b> 72:3,5 <b>glasses (1)</b> 92:8 <b>goes (29)</b> 7:15;8:5;10:14; 11:20;14:24;18:11; 19:18;33:13,15,18; 43:5;50:3;76:17,24; 88:17;92:22;93:9; 98:24;113:9;129:4; 131:14;135:7,16,18; 152:14;155:18,20; 156:15,17 <b>Good (26)</b> 5:13;6:23;26:10,15; 30:15;39:11;45:21; 66:2;70:24;80:11; 96:9,19;108:13; 112:2;115:10;118:15; 136:11;138:17; 139:12;151:21; 152:22;160:7;163:14; 165:9;167:4,5 <b>Goodman (1)</b> 106:23 <b>good-sized (1)</b> 162:24 <b>Google (1)</b> 108:11 <b>government (1)</b>	122:21 <b>grade (2)</b> 15:16,17 <b>grades (3)</b> 32:8,8;34:7 <b>gradient (4)</b> 4:17;14:23;16:2; 153:15 <b>Grading (1)</b> 99:11 <b>Granted (2)</b> 55:6;170:6 <b>grass (1)</b> 107:5 <b>gravels (1)</b> 75:16 <b>gravity (2)</b> 26:8;31:5 <b>great (6)</b> 29:24;50:13;65:1; 124:23;125:1;170:20 <b>Griffin (50)</b> 5:4;7:3,19;9:5;40:6, 8;41:9,12,15;42:12, 23;45:20;53:19; 61:21;62:8,11;64:21, 22;66:1,19;68:9,11; 73:9,11,19;74:4; 75:10;85:17;86:3; 87:14,16,17;88:5,7; 90:17;124:6;137:18, 22;138:17;140:19; 142:4;148:5;154:19; 160:9;162:16,23; 165:10;167:23; 168:18;171:23 <b>Griffin's (9)</b> 6:5,9;7:1,17; 140:13;151:18; 163:13;168:11,13 <b>grind (1)</b> 65:7 <b>ground (1)</b> 64:5 <b>groundwater (3)</b> 67:11;68:1;74:16 <b>group (5)</b> 2:20;3:19;4:22; 48:3;95:5 <b>Grover (13)</b> 79:19;80:8;95:11; 105:12;126:14; 127:10;128:21,22,23; 129:1,20,24;130:15 <b>growing (1)</b> 13:11 <b>grown (2)</b> 25:5;57:14 <b>guarantees (1)</b> 50:24 <b>guardedly (1)</b> 139:8 <b>guess (17)</b>	16:18;39:2;43:11; 49:23;61:12;75:12; 77:21;78:24;81:2,11; 87:2,10;89:21;130:7; 157:15;162:16; 170:24 <b>guideline (1)</b> 108:6 <b>gushes (1)</b> 28:3 <b>gut (1)</b> 144:4 <b>guys (13)</b> 22:15;40:17;79:16; 147:18;151:20;153:1; 155:7;161:24;162:1; 165:6,8;168:9;173:20  <b>H</b>  <b>half (6)</b> 25:9,11;34:5,5; 60:4;89:11 <b>Hall (3)</b> 3:9;173:1,17 <b>hanging (1)</b> 25:24 <b>happen (6)</b> 130:5,13;142:16; 143:10;163:7;171:1 <b>happened (5)</b> 36:16;83:24; 129:13,16;170:8 <b>happening (1)</b> 124:8 <b>happens (5)</b> 50:11,13;84:20,21; 142:13 <b>happier (1)</b> 110:13 <b>happy (6)</b> 6:14;123:17;145:6, 10,17;167:12 <b>hard (8)</b> 7:11;22:6;34:4; 36:9;43:24;71:21; 157:9;166:18 <b>hate (1)</b> 130:4 <b>hay (18)</b> 89:17,22,24;90:5, 21;91:3;140:1,2; 145:11;146:17; 147:18;148:1,10; 161:12,13;164:9,11; 169:10 <b>head (13)</b> 10:9;14:21;16:1; 21:6;70:5;74:3,16; 75:9;106:2;128:16; 130:16;161:3;172:21 <b>heads-up (1)</b> 140:20	<b>Health (1)</b> 95:10 <b>hear (17)</b> 3:17;4:2,3;43:14; 47:5;61:3;63:2; 131:16,18;132:4; 139:16;151:20; 166:18;173:13,21; 174:4,9 <b>heard (13)</b> 32:21;38:13;69:1; 78:11;115:20;116:2, 4;126:15;150:19; 151:22;152:10;166:3; 170:9 <b>hearing (13)</b> 3:7;4:1;6:13;7:2,12, 24;10:5;85:6;139:9; 146:4;152:15;154:18, 21 <b>hearings (4)</b> 86:2;87:4;120:1; 139:6 <b>heavily (1)</b> 25:3 <b>heavy (3)</b> 78:22;107:24; 111:18 <b>Hegemann (67)</b> 2:24;3:18,19,24; 4:4,6,9,23;5:18,22; 20:11;31:22,24; 32:17;33:3,6,17;34:6, 16,19;35:6,10,13,19; 36:6,13,21;37:2,21; 38:2;48:20;53:19,24; 54:8,13,17,20;55:4, 10,16,23;56:4,8,21, 24;59:17,24;60:2,15, 19;61:1,5,8;93:20; 94:1;109:7;137:19; 138:16;141:4;150:3, 22;152:3;153:9; 154:20;157:1;160:6; 167:23 <b>Hegemann's (2)</b> 150:20,20 <b>Hegmone (1)</b> 150:22 <b>Heidi (1)</b> 105:2 <b>held (2)</b> 82:11;111:23 <b>hell (1)</b> 170:24 <b>help (10)</b> 2:17;15:23;17:19; 26:4;27:2,5;97:1; 127:6;138:11;139:1 <b>helpful (6)</b> 119:14,14;131:1,5, 22;152:21 <b>helps (3)</b>	27:17;72:12;125:11 <b>Hemingway (16)</b> 78:7,7,11;80:10,13; 81:8,15,23;82:2,5,8; 83:1,17;84:3,19; 127:17 <b>hey (1)</b> 90:9 <b>Hi (1)</b> 160:17 <b>hide (1)</b> 123:18 <b>high (17)</b> 11:9,10;18:9;20:24; 22:1;26:14;117:1,9, 17,17,18;121:10; 124:19;135:11; 156:13;159:11; 169:21 <b>higher (1)</b> 48:12 <b>Highlands (2)</b> 133:24;135:23 <b>highlights (1)</b> 8:1 <b>Highway (2)</b> 24:21;89:15 <b>Hildegard (1)</b> 93:18 <b>hill (7)</b> 49:17;54:6;65:6,7; 95:21,21;136:9 <b>hire (6)</b> 66:12;72:14;73:13; 136:23;137:9,13 <b>hired (9)</b> 2:17;5:5;64:13; 65:19;66:8;71:2; 85:22;90:18;138:2 <b>historic (5)</b> 45:6;58:7;59:9; 67:7;130:12 <b>historical (13)</b> 4:17;8:13,14;14:4; 32:4;36:16;59:7;93:6, 22;94:5;97:23; 109:15;110:5 <b>historically (8)</b> 19:6;31:9;33:23; 41:4;43:15;61:10; 94:11;130:3 <b>history (2)</b> 20:16;22:19 <b>hits (1)</b> 99:13 <b>Hold (6)</b> 4:8;61:2;97:20; 115:9;124:18;174:3 <b>holding (3)</b> 80:17;104:21;111:2 <b>home (4)</b> 70:11,12;170:3,3 <b>homeowner (1)</b>
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79:3 <b>homeowners (1)</b> 79:4 <b>hop (1)</b> 111:19 <b>hope (5)</b> 7:16;79:2,11;136:5; 167:1 <b>hoping (3)</b> 4:12;102:24;115:6 <b>horrible (1)</b> 173:10 <b>hose (1)</b> 96:13 <b>hours (3)</b> 98:1;167:13;172:11 <b>House (39)</b> 10:7,8,18;11:17,18; 14:12,12,24;18:23; 19:2,4,6,12,15;27:20; 34:3,13,14;39:20; 56:20;60:14,20,24; 61:8;92:1,15,16; 95:21;96:16,21; 101:8;105:13,19,21; 109:16;114:15;129:5; 136:8;169:18 <b>houses (1)</b> 18:8 <b>housing (1)</b> 18:18 <b>huge (1)</b> 64:2 <b>hundred (2)</b> 87:15,19 <b>hundreds (2)</b> 31:13;88:3 <b>hydrologic (1)</b> 158:12 <b>hydrologist (11)</b> 64:8,9,13;65:16,18, 20:7,3;12,18,20,24; 136:20 <b>hydrologists (2)</b> 73:17;158:14 <b>hydrology (3)</b> 57:2;74:23;138:19	24:10;54:11,13 <b>impasse (1)</b> 105:5 <b>impervious (1)</b> 23:18 <b>implore (2)</b> 109:20;110:18 <b>imply (1)</b> 124:13 <b>importance (1)</b> 125:2 <b>important (5)</b> 86:8;103:13; 122:23;123:2;125:16 <b>impossible (1)</b> 40:22 <b>impressive (1)</b> 89:8 <b>improve (6)</b> 27:11,23;28:23; 29:11;31:7;42:10 <b>improved (2)</b> 29:19;44:15 <b>improvement (6)</b> 29:14,15,24;44:9; 47:14,17 <b>improvements (8)</b> 35:9;47:24;52:4; 53:11,12;57:9;126:7; 127:1 <b>improving (2)</b> 26:24;27:4 <b>inappropriate (3)</b> 83:21;85:3;118:21 <b>incline (1)</b> 15:11 <b>include (9)</b> 35:2;54:10;55:13, 15;56:12;60:9;88:10; 106:18;121:19 <b>included (6)</b> 32:6,13;102:3; 103:2,8,12 <b>includes (2)</b> 34:13;96:3 <b>including (2)</b> 7:4;121:10 <b>incorporated (1)</b> 44:5 <b>increase (6)</b> 23:18;30:15;40:19, 21;50:6;121:18 <b>increased (7)</b> 8:9,17,17;23:24; 24:1;50:9;55:14 <b>increasing (2)</b> 30:14;121:15 <b>indeed (1)</b> 106:16 <b>independent (1)</b> 123:23 <b>indicate (6)</b> 42:3;76:10;104:3;	105:24;106:5;107:3 <b>indicated (7)</b> 33:8;59:18;99:5; 106:9;117:21,22; 158:19 <b>indicates (6)</b> 10:19;98:22;102:8; 104:18;105:4,15 <b>indicating (8)</b> 32:19;61:9,12;93:1; 95:11;105:10;106:16, 23 <b>indication (2)</b> 103:4;106:14 <b>individual (1)</b> 86:22 <b>individuals (1)</b> 138:23 <b>infiltration (8)</b> 7:5,6;24:3;48:10; 49:9;50:1,8;74:13 <b>inform (1)</b> 161:5 <b>informally (1)</b> 164:2 <b>information (34)</b> 4:11,14,18,20;5:7; 18:11;22:5,14;32:3, 14;36:24;52:24; 58:23;75:4;84:2;85:6, 15,19;86:12;88:2; 95:6;104:8;120:14, 15,23;126:1;131:6, 24;144:16;151:3,19; 152:8;154:17;156:21 <b>informed (1)</b> 95:12 <b>Ingeberg (1)</b> 109:6 <b>Ingeborg (17)</b> 2:14,16,21,24;3:1, 12,18;31:21;69:14; 93:23,24;108:18,19; 151:8;152:10;158:10; 164:24 <b>Ingeborg's (4)</b> 115:14;151:17; 159:9;169:8 <b>initial (2)</b> 38:15;120:20 <b>Initially (2)</b> 21:24;119:17 <b>injunctive (1)</b> 143:24 <b>Inland (1)</b> 98:19 <b>inlet (1)</b> 32:19 <b>inserted (1)</b> 28:11 <b>inside (1)</b> 49:3 <b>insinuating (1)</b>	121:1 <b>inspection (1)</b> 102:4 <b>inspections (1)</b> 118:10 <b>inspector's (1)</b> 82:13 <b>installation (1)</b> 7:4 <b>installed (2)</b> 29:17,17 <b>instance (1)</b> 123:4 <b>instead (2)</b> 96:19;170:2 <b>intact (1)</b> 140:3 <b>integrity (2)</b> 124:24;125:15 <b>intended (1)</b> 94:18 <b>Intent (9)</b> 3:21;8:11;37:15; 42:10;46:14;65:7; 107:17;156:21; 163:16 <b>interest (1)</b> 85:15 <b>interested (2)</b> 65:11;131:2 <b>intermittent (1)</b> 20:8 <b>Internet (1)</b> 109:1 <b>interpret (1)</b> 66:24 <b>interrupt (1)</b> 150:15 <b>into (31)</b> 6:12;8:5;10:13; 22:16,17;23:23;24:1, 17;30:6;42:24;43:6; 74:12;77:15,18;81:6; 91:1;96:13,18;97:14; 106:10;110:19;130:2, 4;153:13,16,21,24; 156:9,17;158:13; 163:19 <b>intrusive (1)</b> 172:7 <b>inverted (1)</b> 32:8 <b>invite (2)</b> 128:18;146:8 <b>involve (1)</b> 159:5 <b>involved (4)</b> 55:1;107:20; 145:14;169:2 <b>issue (22)</b> 27:23;41:23;47:17; 69:13;70:11;83:19; 84:18;91:5;104:21;	115:12;125:2,16; 128:12;139:11;141:3, 9;142:6;143:15; 150:18,24;152:16; 170:17 <b>issued (1)</b> 20:9 <b>issues (9)</b> 91:3;122:9;125:3,4; 131:5;136:1;139:3; 171:17;172:3 <b>item (1)</b> 27:15 <b>items (10)</b> 8:24;23:24;25:7; 27:9;29:1;47:11;52:7; 128:1;132:21;133:2
<b>J</b>				
<b>jammed (1)</b> 106:10 <b>Jersey (1)</b> 97:13 <b>Jim (13)</b> 6:4,13;14:13;16:16; 38:3;43:10;49:4;53:4; 64:23;115:16;126:24; 127:3;158:19 <b>Jim's (2)</b> 53:1;115:15 <b>job (4)</b> 41:22;104:9; 109:13;118:15 <b>John (2)</b> 62:20;65:14 <b>join (1)</b> 14:8 <b>Jon (6)</b> 127:23;140:15; 142:12;145:22; 162:17;164:24 <b>Jon's (1)</b> 149:12 <b>judge (1)</b> 85:1 <b>jump (1)</b> 111:19 <b>June (8)</b> 165:4,9,18;169:4; 173:24;174:2,11,12 <b>jurisdiction (2)</b> 128:8;145:5 <b>jury (1)</b> 85:1				
<b>K</b>				
<b>keep (11)</b> 9:10;28:17,18; 29:21;50:19;83:11; 85:6;89:18;97:20; 135:4;162:6				
79:3 <b>ice (1)</b> 136:10 <b>idea (2)</b> 139:12,13 <b>identify (1)</b> 53:19 <b>illegal (2)</b> 83:9,14 <b>imagine (3)</b> 42:1,5;144:20 <b>impact (3)</b> 54:15,16;139:4 <b>impacted (3)</b>				

<p><b>keeping (1)</b> 121:2</p> <p><b>kept (1)</b> 97:5</p> <p><b>key (1)</b> 41:18</p> <p><b>kicked (1)</b> 95:2</p> <p><b>kid (1)</b> 171:10</p> <p><b>kind (12)</b> 2:6;6:13;45:8; 50:14,24;59:5,21; 69:3;136:1;140:20; 158:13,24</p> <p><b>KinderCare (1)</b> 19:8</p> <p><b>knew (2)</b> 34:21;113:21</p> <p><b>knock (2)</b> 65:7;132:17</p> <p><b>knoll (2)</b> 57:5,16</p> <p><b>knowing (2)</b> 120:7,8</p> <p><b>knowledge (2)</b> 142:4;143:21</p> <p><b>knowledgeable (1)</b> 171:18</p> <p><b>knows (4)</b> 106:5;118:23; 137:22;161:2</p>	<p>140:7;173:19</p> <p><b>largely (2)</b> 57:7;87:23</p> <p><b>larger (3)</b> 92:18;152:11,16</p> <p><b>last (31)</b> 2:10;6:4,10,12;7:2, 24;10:5,6;18:19;45:5, 15;52:15;61:21; 64:23;74:19;84:18; 89:20;100:20;103:16; 104:3,17;108:22; 109:14;112:4;115:15, 16;140:12;145:13; 149:3,22;157:11</p> <p><b>late (1)</b> 94:24</p> <p><b>later (4)</b> 43:14;103:11; 164:12;167:12</p> <p><b>law (4)</b> 119:8,9;138:10; 147:4</p> <p><b>LAWLER (2)</b> 160:17,17</p> <p><b>lawyer (1)</b> 119:7</p> <p><b>lay (1)</b> 49:24</p> <p><b>leaching (1)</b> 65:10</p> <p><b>lead (1)</b> 108:3</p> <p><b>leaking (2)</b> 97:14;106:1</p> <p><b>leaks (2)</b> 98:11;156:16</p> <p><b>learn (2)</b> 142:2,2</p> <p><b>learned (1)</b> 3:13</p> <p><b>least (13)</b> 8:10;12:15,17; 19:19;42:6;52:16; 59:7;65:10;74:23; 146:22;168:2;171:7; 172:7</p> <p><b>leave (6)</b> 99:20;104:15; 124:2;125:20;140:15; 148:22</p> <p><b>leaves (3)</b> 92:23;95:20;99:15</p> <p><b>ledge (1)</b> 65:6</p> <p><b>left (6)</b> 10:22;11:20;56:2; 111:11;112:3;138:2</p> <p><b>leg (1)</b> 18:19</p> <p><b>legitimate (2)</b> 123:14;166:6</p> <p><b>L'ESPÉRANCE (1)</b></p>	<p>68:18</p> <p><b>less (4)</b> 29:22;56:15; 114:24;115:1</p> <p><b>letter (17)</b> 58:10,11,13,16; 62:21,24;63:1,5,7,11, 16;67:5;82:15;88:7; 95:10;105:15,16</p> <p><b>letters (2)</b> 87:21,23</p> <p><b>level (2)</b> 39:13;156:8</p> <p><b>levels (4)</b> 41:3;108:6;121:10; 156:19</p> <p><b>license (1)</b> 88:18</p> <p><b>licensed (1)</b> 88:21</p> <p><b>life (1)</b> 94:22</p> <p><b>lift (1)</b> 49:14</p> <p><b>light (1)</b> 144:21</p> <p><b>likely (1)</b> 19:17</p> <p><b>limit (2)</b> 16:10;48:24</p> <p><b>limited (2)</b> 28:12;64:19</p> <p><b>limits (4)</b> 18:17;25:20;37:20; 155:13</p> <p><b>line (12)</b> 16:9,9,12,14,19; 93:1;106:11;124:15; 138:4;147:22;148:1; 151:1</p> <p><b>lines (2)</b> 63:16;94:15</p> <p><b>list (4)</b> 87:20;88:8;132:21; 133:3</p> <p><b>listen (2)</b> 41:15;173:2</p> <p><b>listened (1)</b> 46:5</p> <p><b>listening (2)</b> 112:9;138:14</p> <p><b>litigation (1)</b> 101:19</p> <p><b>little (21)</b> 11:21;14:23;20:16; 25:13;33:3;55:17,23; 56:5;61:8;71:22; 80:17;86:9,9,11; 107:5;110:13;116:4; 118:21;139:22;144:8; 172:20</p> <p><b>live (13)</b> 78:20;79:1,11;</p>	<p>80:14,20,24;89:10; 134:3,4,5,6,19,20</p> <p><b>lived (1)</b> 169:17</p> <p><b>lives (1)</b> 166:1</p> <p><b>living (2)</b> 19:9;79:5</p> <p><b>LLC (1)</b> 3:9</p> <p><b>loam (2)</b> 91:17;123:14</p> <p><b>local (3)</b> 70:11;140:22;143:6</p> <p><b>locally (1)</b> 143:12</p> <p><b>located (2)</b> 10:12;76:3</p> <p><b>location (3)</b> 12:13;21:4;154:2</p> <p><b>locations (4)</b> 12:14;123:11; 124:7,11</p> <p><b>logs (1)</b> 71:23</p> <p><b>long (12)</b> 2:13;44:8;87:19,24, 24;102:9;106:11; 108:23;163:1;171:14; 172:9,9</p> <p><b>longer (5)</b> 12:10;44:20; 104:19;130:19;140:5</p> <p><b>longstanding (1)</b> 44:10</p> <p><b>look (34)</b> 6:12;8:12,20;10:11, 21;21:1;22:16,17,20; 37:14,14;39:14; 44:17;50:20;54:24; 56:24;60:15,23;61:1; 74:10,21;88:18;98:9; 110:19,24;114:4; 119:5;126:1;137:1; 142:1;144:22;153:6; 163:19;172:6</p> <p><b>looked (21)</b> 4:17;8:21;9:17; 12:18,20;23:20; 28:10;29:7;30:4; 35:23;46:6;59:9;66:4; 88:20;96:4,20;110:4; 123:22;128:21;140:8; 170:17</p> <p><b>looking (7)</b> 39:2,12;40:15; 60:22;119:16;122:8,9</p> <p><b>looks (5)</b> 30:3;39:12;103:9; 106:19,19</p> <p><b>lot (27)</b> 4:11,14;13:6,6; 18:11;20:18;30:4;</p>	<p>43:12;54:2;71:2; 78:11;83:4;86:24; 93:1;94:15;106:11; 136:22;137:21;139:2, 14;156:9,10;169:21; 170:11,13;171:19; 173:13</p> <p><b>Lots (4)</b> 69:4,6;76:12; 135:24</p> <p><b>love (2)</b> 107:8,9</p> <p><b>low (2)</b> 20:21;37:7</p> <p><b>lower (3)</b> 32:20;39:13;156:7</p> <p><b>LOWRY (39)</b> 14:2,3,16;15:14,21; 16:15,20;17:11,15,19, 21;18:2,16;19:1,5,10, 14,23;20:7;23:13; 37:10,22;43:21; 48:23;49:11;50:4; 57:3;58:4;59:1,6,16, 22;60:1;141:5;150:2; 152:3,23;158:9;159:6</p>
<b>M</b>				
<p style="text-align: center;"><b>L</b></p> <p><b>labeled (2)</b> 109:1,10</p> <p><b>laboratory (1)</b> 68:12</p> <p><b>lack (4)</b> 20:4;44:7,7,21</p> <p><b>lady (1)</b> 165:21</p> <p><b>land (13)</b> 19:24;37:11,16; 44:2,17;54:22;74:17; 76:24;78:18;90:8; 129:3,6;171:19</p> <p><b>Lander (1)</b> 136:18</p> <p><b>Landers (1)</b> 69:21</p> <p><b>landfill (1)</b> 67:10</p> <p><b>landfills (3)</b> 67:8,14,20</p> <p><b>landscapers (1)</b> 107:7</p> <p><b>Lane (2)</b> 11:23,23</p> <p><b>large (9)</b> 12:1,4;26:18,19; 64:5;94:20;97:10;</p>	<p><b>leaking (2)</b> 97:14;106:1</p> <p><b>leaks (2)</b> 98:11;156:16</p> <p><b>learn (2)</b> 142:2,2</p> <p><b>learned (1)</b> 3:13</p> <p><b>least (13)</b> 8:10;12:15,17; 19:19;42:6;52:16; 59:7;65:10;74:23; 146:22;168:2;171:7; 172:7</p> <p><b>leave (6)</b> 99:20;104:15; 124:2;125:20;140:15; 148:22</p> <p><b>leaves (3)</b> 92:23;95:20;99:15</p> <p><b>ledge (1)</b> 65:6</p> <p><b>left (6)</b> 10:22;11:20;56:2; 111:11;112:3;138:2</p> <p><b>leg (1)</b> 18:19</p> <p><b>legitimate (2)</b> 123:14;166:6</p> <p><b>L'ESPÉRANCE (1)</b></p>	<p>68:18</p> <p><b>less (4)</b> 29:22;56:15; 114:24;115:1</p> <p><b>letter (17)</b> 58:10,11,13,16; 62:21,24;63:1,5,7,11, 16;67:5;82:15;88:7; 95:10;105:15,16</p> <p><b>letters (2)</b> 87:21,23</p> <p><b>level (2)</b> 39:13;156:8</p> <p><b>levels (4)</b> 41:3;108:6;121:10; 156:19</p> <p><b>license (1)</b> 88:18</p> <p><b>licensed (1)</b> 88:21</p> <p><b>life (1)</b> 94:22</p> <p><b>lift (1)</b> 49:14</p> <p><b>light (1)</b> 144:21</p> <p><b>likely (1)</b> 19:17</p> <p><b>limit (2)</b> 16:10;48:24</p> <p><b>limited (2)</b> 28:12;64:19</p> <p><b>limits (4)</b> 18:17;25:20;37:20; 155:13</p> <p><b>line (12)</b> 16:9,9,12,14,19; 93:1;106:11;124:15; 138:4;147:22;148:1; 151:1</p> <p><b>lines (2)</b> 63:16;94:15</p> <p><b>list (4)</b> 87:20;88:8;132:21; 133:3</p> <p><b>listen (2)</b> 41:15;173:2</p> <p><b>listened (1)</b> 46:5</p> <p><b>listening (2)</b> 112:9;138:14</p> <p><b>litigation (1)</b> 101:19</p> <p><b>little (21)</b> 11:21;14:23;20:16; 25:13;33:3;55:17,23; 56:5;61:8;71:22; 80:17;86:9,9,11; 107:5;110:13;116:4; 118:21;139:22;144:8; 172:20</p> <p><b>live (13)</b> 78:20;79:1,11;</p>	<p>80:14,20,24;89:10; 134:3,4,5,6,19,20</p> <p><b>lived (1)</b> 169:17</p> <p><b>lives (1)</b> 166:1</p> <p><b>living (2)</b> 19:9;79:5</p> <p><b>LLC (1)</b> 3:9</p> <p><b>loam (2)</b> 91:17;123:14</p> <p><b>local (3)</b> 70:11;140:22;143:6</p> <p><b>locally (1)</b> 143:12</p> <p><b>located (2)</b> 10:12;76:3</p> <p><b>location (3)</b> 12:13;21:4;154:2</p> <p><b>locations (4)</b> 12:14;123:11; 124:7,11</p> <p><b>logs (1)</b> 71:23</p> <p><b>long (12)</b> 2:13;44:8;87:19,24, 24;102:9;106:11; 108:23;163:1;171:14; 172:9,9</p> <p><b>longer (5)</b> 12:10;44:20; 104:19;130:19;140:5</p> <p><b>longstanding (1)</b> 44:10</p> <p><b>look (34)</b> 6:12;8:12,20;10:11, 21;21:1;22:16,17,20; 37:14,14;39:14; 44:17;50:20;54:24; 56:24;60:15,23;61:1; 74:10,21;88:18;98:9; 110:19,24;114:4; 119:5;126:1;137:1; 142:1;144:22;153:6; 163:19;172:6</p> <p><b>looked (21)</b> 4:17;8:21;9:17; 12:18,20;23:20; 28:10;29:7;30:4; 35:23;46:6;59:9;66:4; 88:20;96:4,20;110:4; 123:22;128:21;140:8; 170:17</p> <p><b>looking (7)</b> 39:2,12;40:15; 60:22;119:16;122:8,9</p> <p><b>looks (5)</b> 30:3;39:12;103:9; 106:19,19</p> <p><b>lot (27)</b> 4:11,14;13:6,6; 18:11;20:18;30:4;</p>	<p>43:12;54:2;71:2; 78:11;83:4;86:24; 93:1;94:15;106:11; 136:22;137:21;139:2, 14;156:9,10;169:21; 170:11,13;171:19; 173:13</p> <p><b>Lots (4)</b> 69:4,6;76:12; 135:24</p> <p><b>love (2)</b> 107:8,9</p> <p><b>low (2)</b> 20:21;37:7</p> <p><b>lower (3)</b> 32:20;39:13;156:7</p> <p><b>LOWRY (39)</b> 14:2,3,16;15:14,21; 16:15,20;17:11,15,19, 21;18:2,16;19:1,5,10, 14,23;20:7;23:13; 37:10,22;43:21; 48:23;49:11;50:4; 57:3;58:4;59:1,6,16, 22;60:1;141:5;150:2; 152:3,23;158:9;159:6</p>
<b>M</b>				
				<p><b>ma'am (1)</b> 128:6</p> <p><b>macro (1)</b> 152:16</p> <p><b>Madam (13)</b> 5:15;16:24;18:12; 22:12;46:2;84:6; 118:20;127:24; 149:23;159:23; 162:16;163:12; 167:15</p> <p><b>MAHONEY (48)</b> 6:2,8,18,22;13:23; 18:3;62:6;64:18;68:4, 8,16,20,23;70:23; 71:18,23;120:17; 121:1;124:3;125:22; 145:2,4,10;147:7,16, 24;148:13,24;149:10, 17,24;150:5,9; 151:22;153:3;155:8; 160:12;161:19,23; 162:10;163:23;164:5, 9,14;165:5;167:6; 168:10,15</p> <p><b>main (1)</b> 43:4</p> <p><b>mainly (1)</b> 12:5</p> <p><b>maintain (3)</b> 41:2;51:1,6</p> <p><b>maintained (4)</b> 15:9;19:17;43:16; 97:16</p>

<p><b>maintaining (3)</b> 100:4,10,11</p> <p><b>maintenance (4)</b> 44:16;98:2;100:8; 105:8</p> <p><b>major (3)</b> 8:24;25:7;27:15</p> <p><b>major-size (1)</b> 25:10</p> <p><b>makes (6)</b> 38:20;50:2;52:14; 79:20;80:18;123:5</p> <p><b>makeup (1)</b> 172:5</p> <p><b>making (4)</b> 33:19;47:4;51:22; 90:2</p> <p><b>man (1)</b> 172:14</p> <p><b>manage (1)</b> 97:2</p> <p><b>manageable (1)</b> 114:13</p> <p><b>Managed (2)</b> 96:24;97:4</p> <p><b>management (7)</b> 40:18;44:4,4,19; 50:5,12;100:7</p> <p><b>manhole (2)</b> 33:1,1</p> <p><b>manipulated (2)</b> 157:8,11</p> <p><b>manmade (2)</b> 12:6;19:21</p> <p><b>manner (3)</b> 15:8;102:10;119:20</p> <p><b>man's (1)</b> 19:17</p> <p><b>many (13)</b> 37:6;41:16,17; 69:24;73:1;78:19; 94:3;103:23;138:15; 139:5;172:3,3,4</p> <p><b>map (6)</b> 16:9;92:20;93:4,12; 101:20;155:12</p> <p><b>mapped (1)</b> 155:14</p> <p><b>maps (8)</b> 8:20,21;39:10,12, 14;92:18;93:4;94:5</p> <p><b>March (1)</b> 102:4</p> <p><b>marked (1)</b> 148:9</p> <p><b>Marty (11)</b> 58:10,11,13;92:4; 93:11;112:14,15; 126:13;128:15; 164:17;172:15</p> <p><b>Mary (5)</b> 89:10;90:19;148:3, 4,8</p>	<p><b>Mass (1)</b> 24:21</p> <p><b>Massachusetts (2)</b> 24:20;105:1</p> <p><b>material (18)</b> 37:1;47:19;49:18; 64:4;65:12;83:2,6; 98:5;106:24;107:7, 15;129:11;141:18; 142:2;144:21;145:12, 16;155:4</p> <p><b>materials (5)</b> 5:17,20,23;88:8; 123:14</p> <p><b>mathematically (2)</b> 155:21,22</p> <p><b>matter (6)</b> 122:23;125:1; 162:13;164:7;167:22; 169:3</p> <p><b>matters (1)</b> 122:18</p> <p><b>maximum (1)</b> 37:19</p> <p><b>May (27)</b> 3:8,14,14;37:7; 53:21;56:18;63:5; 68:21,22;76:4;81:2, 19;82:15;88:11; 115:7,19;118:12; 122:23;123:15; 125:20;128:4;139:11; 145:2;148:22;149:19; 164:19;170:3</p> <p><b>maybe (33)</b> 20:22;27:3,4;38:13, 21;39:2;41:22;45:10; 50:3;58:22;67:14; 70:5,7;84:9;86:9; 91:14;113:18;114:4; 124:1;142:13;144:12, 14;153:17;157:9; 158:17;159:17,17,18; 166:16;170:7,20,20; 172:10</p> <p><b>MAZZOTTA (2)</b> 169:14,14</p> <p><b>McBRIDE (340)</b> 2:2;3:2,4,6,23;4:21; 5:4,24;6:6,16,20;7:10, 14;8:3,18;9:4,12,16, 20;10:24;11:5,11,16; 12:3,8,20,23;13:13, 16,19;14:15;15:10, 19;16:8,13,17,21; 17:1,4,8,14,17,20,24; 18:5,13,22;19:3,7,11, 20;20:3,10,14;21:14, 17;22:4,10,15,24; 23:4,7,10,15;24:2,7,9, 19,23;26:2,6;27:7,11, 19;28:5,10,17,24; 30:1,19;31:1,3,14,17,</p>	<p>20,23;34:12;38:9,13, 17;39:7,18;40:1,4; 43:9;45:2,14;46:1; 48:6,17,21;49:7,13, 19,23;50:11;51:7,10; 53:22;56:2;57:23; 58:6,12,17,21;59:5, 12;61:18;62:9,13,17; 63:7,13,20;64:15,20; 65:13,17,21;66:9,16; 67:13;68:2,9,15,17, 22;69:4,6,14,18,20; 70:1,14,18;71:6,10; 72:17,20;73:2,4,7,11, 18;74:1;75:7;76:22; 77:5,8,12,16,20,24; 78:4,6,9;79:12;80:12; 81:5,14,20,24;82:4,7, 23;83:15,18;84:4,12, 15,23;85:10,13,16,21; 86:1,7,15,18;87:1,9; 88:4;89:4,7;90:10,13; 91:19,23;92:4;93:11, 15,23;108:18;112:14, 17,24;113:8,11,20,23; 114:3;115:6,12,21; 116:1;117:3;126:2,9, 11,18;127:2,4,13,22; 128:14;129:9,12,15, 19;130:8,20;131:3,12, 19;132:3,10,17,19,23; 133:4,9,12,16,19; 134:4,6,8,12,17,21, 24;135:7,11,14,16,19; 136:3,6,13,16;137:2, 8;139:21;141:21; 142:11;143:10;144:3, 6,9;145:1,3,8,20; 146:5,16;147:6,13,21; 148:1,6,15;149:8,12, 15,20;150:6,11,14,17, 151:7,13,20,24; 152:13,18;153:1,7; 154:4,22;155:6,9; 159:8;160:4,7,10,13, 16;161:10,18,21,24; 162:19;163:11,21; 164:3,8,11,15,19; 165:7,11,15;166:15, 20;167:3,11,17,19,24; 168:8,13;169:8,13; 172:15;173:5,8,15; 174:3,7,11</p> <p><b>meadow (3)</b> 106:24;107:12; 108:8</p> <p><b>mean (39)</b> 3:16;4:21;8:18; 14:16;17:11;18:16; 24:3;29:2;37:6;39:9; 45:12;50:4;52:12; 54:15;59:3;63:8; 72:13,19;79:24;80:5,</p>	<p>6;85:10;87:2;97:20; 101:2;111:8;120:18; 126:22;134:19;137:9; 138:4;143:11;145:4; 150:15;151:7;167:4, 20;168:11;170:6</p> <p><b>meanders (1)</b> 10:10</p> <p><b>means (2)</b> 48:22;138:19</p> <p><b>meantime (3)</b> 78:20;159:22,24</p> <p><b>measure (1)</b> 148:17</p> <p><b>measured (1)</b> 36:8</p> <p><b>measures (3)</b> 44:5,19;50:5</p> <p><b>measuring (1)</b> 156:18</p> <p><b>mediation (1)</b> 24:3</p> <p><b>medium (1)</b> 65:5</p> <p><b>meeting (68)</b> 2:10;3:7;10:6,7,8, 17;11:17,18;14:12, 12;18:23;19:2,4,6,11, 15;34:3;39:20;45:5, 15;52:15;82:10;92:1, 14,16;100:20;105:13, 19;108:22;109:16; 140:13;146:9;147:8, 10,15;149:3,21; 150:12,16;154:6,7,9, 9,10;159:21,22;160:3, 14;164:10,16,17,20; 166:17,21,22,23; 167:2,7,14,15;168:1; 172:21,24;173:19,24; 174:2,5,10</p> <p><b>meetings (2)</b> 86:2;169:16</p> <p><b>meeting's (1)</b> 168:3</p> <p><b>Melrose (9)</b> 78:15;79:6;80:18; 114:11;133:24; 134:16,21;135:17; 172:2</p> <p><b>melt (1)</b> 117:7</p> <p><b>MEMBER (23)</b> 4:1,3,5,8;53:21; 61:3,7,15;63:3;69:19; 77:4,7;133:17; 134:16;135:13; 149:22;160:15; 169:12;173:3,6,12; 174:4,9</p> <p><b>members (3)</b> 5:13;82:12;127:24</p> <p><b>memo (1)</b></p>	<p>53:18</p> <p><b>memorandum (6)</b> 81:3,9,17,19;83:8, 14</p> <p><b>memory's (1)</b> 115:10</p> <p><b>men (1)</b> 110:2</p> <p><b>mentioned (24)</b> 6:24;7:22;28:14; 31:12;52:1;60:17; 70:12;78:14;100:19; 109:14;120:18; 126:24;127:3,4; 128:20;129:23; 136:20;140:1;145:13; 156:1,11;160:19; 162:17;170:10</p> <p><b>mercury (1)</b> 108:3</p> <p><b>met (4)</b> 2:15;40:17;105:4; 172:14</p> <p><b>metals (1)</b> 108:1</p> <p><b>method (1)</b> 98:3</p> <p><b>methodology (1)</b> 74:24</p> <p><b>methods (2)</b> 151:11;172:7</p> <p><b>mic (13)</b> 4:8;5:11;7:11; 62:19;78:9;81:7; 84:15;92:5;117:4; 131:15,20;132:4; 145:8</p> <p><b>Michael (3)</b> 81:11,14,15</p> <p><b>mics (1)</b> 173:9</p> <p><b>mid (2)</b> 14:6;60:7</p> <p><b>mid-2000s (2)</b> 56:9;141:6</p> <p><b>middle (1)</b> 49:17</p> <p><b>might (33)</b> 5:15;6:6;18:7; 22:13;37:4;40:4; 52:24;54:21;55:11; 56:11,15;60:5;63:11; 76:8;80:11;92:4;96:1; 105:11;110:6;119:19; 122:2,4,4;132:12; 146:14;150:2;155:21; 158:9;163:6,15,20; 171:23;172:8</p> <p><b>mile (1)</b> 89:11</p> <p><b>milk (1)</b> 109:18</p> <p><b>mind (6)</b></p>
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28:12;59:15; 119:18;131:15;132:3; 140:8 <b>minds (1)</b> 137:16 <b>Mine (1)</b> 87:19 <b>minimal (1)</b> 170:19 <b>minute (2)</b> 71:14;97:1 <b>minutes (2)</b> 112:12;128:11 <b>misrepresenting (1)</b> 52:13 <b>miss (1)</b> 46:13 <b>missing (5)</b> 52:21;53:5;86:16, 19,20 <b>misstating (1)</b> 168:17 <b>mistaken (2)</b> 43:10;64:15 <b>misunderstood (1)</b> 42:17 <b>mitigated (1)</b> 50:7 <b>mitigation (2)</b> 23:21,22 <b>mixes (1)</b> 26:11 <b>modification (1)</b> 7:8 <b>modified (1)</b> 7:6 <b>molybdenum (1)</b> 108:4 <b>moment (2)</b> 128:13;155:8 <b>Moments (2)</b> 160:23;165:22 <b>money (1)</b> 98:1 <b>monitoring (1)</b> 68:5 <b>months (1)</b> 112:6 <b>moot (1)</b> 139:11 <b>morass (1)</b> 130:5 <b>more (49)</b> 12:3;20:15;24:11; 26:3,17,21;29:21; 30:10;33:23;36:14; 37:3,8;52:24;53:23; 69:9,10;76:10;80:4,5; 86:10;91:7;102:23, 23;103:13;106:2; 116:10;119:21; 120:22,23;121:11; 124:11;125:4;128:14;	131:17,22;132:1; 136:17;137:16;139:1, 2,5;144:8,18;146:22; 150:1;151:3;152:16; 157:16;158:7 <b>mosquito (1)</b> 17:22 <b>most (15)</b> 2:8;7:1,9;10:2; 13:4;23:19;72:3; 75:16;79:3;95:24; 116:12,13;132:19; 160:1;169:5 <b>mostly (6)</b> 49:16;65:4,6;75:13; 94:14;107:6 <b>motion (9)</b> 2:20,22,23;144:10; 152:18,21,24;173:23; 174:1 <b>move (12)</b> 7:10;17:21;57:15; 145:8;161:12;163:3, 4,5,24;168:12,16,22 <b>moved (1)</b> 145:16 <b>movement (1)</b> 25:13 <b>Moving (6)</b> 21:18;80:2;154:14; 161:1;166:5,9 <b>Mrs (14)</b> 79:16;90:23;91:9; 109:8;145:7,11; 147:17;162:11; 166:16,20;167:8,20; 168:22;169:3 <b>much (18)</b> 2:7;8:24;9:2;22:22; 23:20;25:5;26:15; 28:4;33:22;39:11; 57:12;91:6;110:22, 23;111:2,23;131:22; 169:16 <b>mulch (4)</b> 38:24;91:17;107:6; 162:6 <b>mulching (2)</b> 90:24;162:5 <b>must (1)</b> 9:5 <b>myself (5)</b> 104:24;126:14; 138:9;150:23;166:2	87:12;94:3 <b>narrow (1)</b> 138:11 <b>narrowly (1)</b> 143:19 <b>nature (2)</b> 155:18;156:12 <b>near (8)</b> 9:1;10:9;11:6,22; 13:7;24:17;76:3; 165:23 <b>necessarily (3)</b> 36:17;38:2;163:8 <b>necessary (3)</b> 41:10;148:21; 153:19 <b>need (34)</b> 2:19,20;71:16; 72:14,14;78:22; 80:10;82:5;85:7; 86:12;91:4,10;103:5; 110:15;111:17; 119:10;122:6;125:24; 138:8,18;139:1; 143:15;144:10; 149:19;152:18;153:2; 154:23,24,24;157:15; 163:8;167:8;168:20; 173:23 <b>needed (1)</b> 32:17 <b>needs (11)</b> 86:13;96:10; 104:15;107:14;110:1; 131:10;148:23;158:6, 14,23;169:5 <b>neighborhood (2)</b> 85:20;114:10 <b>neighbors (5)</b> 78:15;80:24;84:8; 159:13;169:24 <b>nerves (1)</b> 108:6 <b>nervous (1)</b> 138:14 <b>neutrality (1)</b> 125:18 <b>new (19)</b> 4:11,13,19;5:17,20, 23;15:19,21;29:4,4; 117:20;146:17; 147:21;148:1,10; 155:4;161:12;169:15; 170:22 <b>next (43)</b> 11:10,22;29:10; 81:2;95:15;98:8; 99:22;100:14;101:17; 102:3;103:12,20; 106:7,21;107:10,22; 108:10;109:5;126:19; 141:15;146:9;147:8, 9,14;149:20;150:12;	154:5,6,18;159:21,22; 160:3,14;163:6,9; 164:20;166:17,21,22; 167:2,7,16;169:6 <b>nice (1)</b> 145:20 <b>nickel (1)</b> 108:5 <b>night (3)</b> 3:8;151:18;154:20 <b>Noble (1)</b> 82:14 <b>Noble's (1)</b> 82:14 <b>nobody (2)</b> 96:22,22 <b>NOI (2)</b> 162:17;163:20 <b>non-criminal (1)</b> 142:19 <b>none (2)</b> 58:7;85:22 <b>non-Weiss (1)</b> 164:21 <b>normally (2)</b> 76:6;158:22 <b>north (36)</b> 9:22;10:7,7,17,21, 22;11:17;14:12;16:7; 18:20,23;19:2,4,6,11, 15;25:21;33:12; 34:11;39:20;60:3; 61:9,15;92:1,11,14, 14,16,21;94:8;97:17; 101:13;105:13,19; 109:16;114:23 <b>north/south (1)</b> 114:18 <b>northeast (1)</b> 105:3 <b>northern (4)</b> 22:21;23:1,2;46:20 <b>northwest (2)</b> 20:4;111:9 <b>note (1)</b> 133:5 <b>noted (1)</b> 140:2 <b>Notice (6)</b> 3:21;37:15;107:16; 146:7;156:21;163:16 <b>noticed (1)</b> 169:23 <b>notoriously (1)</b> 107:13 <b>November (2)</b> 81:12,18 <b>number (6)</b> 18:5;93:22;95:3; 107:24;114:18; 153:15	<p style="text-align: center;"><b>O</b></p> <b>obligation (2)</b> 140:24;141:1 <b>observation (1)</b> 7:5 <b>observed (5)</b> 28:6;37:19;49:1; 118:9;169:18 <b>obvious (1)</b> 141:19 <b>obviously (7)</b> 34:24;145:4; 147:19;149:1,4; 170:13;171:18 <b>occur (1)</b> 169:4 <b>occurred (3)</b> 57:19;101:19;109:4 <b>occurring (3)</b> 44:8;75:22;97:5 <b>O'Connell (2)</b> 100:16;101:18 <b>October (1)</b> 98:21 <b>odors (1)</b> 84:8 <b>off (29)</b> 8:20;13:8;16:5; 23:8;24:8;36:9;48:11; 50:9;70:5;74:3,7; 75:9;83:16;91:1;92:9; 102:1;104:11;107:4; 108:24;109:22,22; 110:8,10,12;111:4; 112:19;121:16; 126:22;127:7 <b>offense (1)</b> 106:12 <b>offensive (1)</b> 144:24 <b>offer (2)</b> 146:17;149:10 <b>offered (1)</b> 141:17 <b>offering (1)</b> 85:2 <b>offhand (1)</b> 70:3 <b>Office (4)</b> 105:1;131:13; 132:20;143:2 <b>officially (1)</b> 3:7 <b>oftentimes (1)</b> 123:17 <b>old (9)</b> 19:15;22:20;29:2; 35:23;39:10,12,14; 136:11;147:23 <b>older (1)</b> 173:13
	<b>N</b>			
<b>name (12)</b> 3:18;45:4;86:21,21; 89:9;93:18;115:14, 15,16,22;133:21; 136:18 <b>names (2)</b>				

<p><b>once (5)</b>                  89:12;95:20;96:10;                  99:13;157:20</p> <p><b>one (83)</b>                  2:22;7:6;8:23;12:3;                  18:7;23:19,24;24:5;                  25:7;27:15;29:19,20;                  30:12;33:10,18;34:5,                  8,17;35:5,8;36:14;                  37:21,24;40:18;43:3;                  46:7,8,24;47:1;53:24;                  54:4,5;57:3,11;60:4,                  10,11;61:13;62:1;                  71:14;73:5;76:14;                  78:22;89:21;93:7;                  95:23;103:12;106:12;                  110:2;113:18;114:1;                  115:9;118:3;119:24;                  124:13;125:5;128:1;                  132:16;135:2;136:17,                  21;139:2;142:18,18;                  148:13;149:3,5,22;                  150:1,13;153:24;                  154:8;155:8;156:10;                  157:22;160:15;161:2;                  163:14,15;165:17;                  167:16;170:4;174:3</p> <p><b>ones (4)</b>                  60:15;65:10,11;                  75:17</p> <p><b>ongoing (4)</b>                  40:11;141:14;                  143:22;144:5</p> <p><b>only (23)</b>                  37:24;39:10;42:1;                  43:3;46:6,24;47:1;                  51:13,21;74:22;                  80:23;87:13;106:17;                  107:22;110:10;                  137:24;139:2;141:16;                  143:19;158:11;170:4,                  8,14</p> <p><b>on-site (1)</b>                  49:17</p> <p><b>onto (1)</b>                  162:7</p> <p><b>open (7)</b>                  3:7;4:19;28:22;                  47:5;86:2;114:19;                  150:18</p> <p><b>opened (1)</b>                  101:5</p> <p><b>opening (2)</b>                  39:20;135:1</p> <p><b>operate (5)</b>                  40:13;41:1,20;                  83:13;98:6</p> <p><b>operated (1)</b>                  102:10</p> <p><b>operates (1)</b>                  102:9</p> <p><b>operating (2)</b>                  41:7;158:22</p>	<p><b>operation (4)</b>                  82:17,21;83:9;                  84:10</p> <p><b>operational (1)</b>                  82:22</p> <p><b>operations (3)</b>                  43:22;143:22;144:5</p> <p><b>opine (1)</b>                  143:17</p> <p><b>opining (1)</b>                  139:12</p> <p><b>opinion (7)</b>                  19:23,24;41:16;                  129:3;138:6;139:15;                  153:2</p> <p><b>opinions (2)</b>                  151:9,10</p> <p><b>opportunities (1)</b>                  142:2</p> <p><b>opportunity (2)</b>                  136:21;140:24</p> <p><b>opposed (2)</b>                  53:1;165:2</p> <p><b>opposition (2)</b>                  152:24;173:16</p> <p><b>optimistic (1)</b>                  139:8</p> <p><b>option (1)</b>                  114:17</p> <p><b>options (1)</b>                  163:15</p> <p><b>ORAD (2)</b>                  20:9;146:19</p> <p><b>order (25)</b>                  21:4,12;82:13,15;                  83:10;89:16;102:6,7,                  9,11;107:21;109:21,                  24;114:16;127:20;                  128:7,8;141:11,12;                  142:8,14;143:11,19;                  144:9;145:17</p> <p><b>orders (3)</b>                  55:5;61:22;145:22</p> <p><b>oriented (1)</b>                  92:12</p> <p><b>original (6)</b>                  10:17;14:13;39:3;                  168:11,14,15</p> <p><b>originally (2)</b>                  14:7;148:2</p> <p><b>others (2)</b>                  100:24;101:3</p> <p><b>otherwise (1)</b>                  37:18</p> <p><b>ought (2)</b>                  67:22;172:6</p> <p><b>out (76)</b>                  2:12;7:3;9:18,19;                  12:2,5;13:2,4;15:22;                  22:18;25:8,24;27:14,                  18;28:3;29:20,24;                  30:10;33:21;34:2,7;                  35:20;36:8;37:23;</p>	<p>39:8,21;43:10;47:9;                  50:7;55:17,23;66:4;                  67:23;72:1,2,3,6;                  73:23;76:9;78:17;                  79:20;80:3,9;84:20;                  85:5,20;102:14;                  105:13,14,18,20;                  108:10;110:16;111:6,                  10;117:23;120:6;                  123:8;124:7;132:17;                  135:8;140:14,17;                  148:17;150:7;152:3,                  4;155:12;156:19;                  159:7;161:9,22;                  165:3;170:5,9;172:10</p> <p><b>outfall (1)</b>                  96:7</p> <p><b>outflow (1)</b>                  96:16</p> <p><b>outlet (4)</b>                  32:20;33:2;54:4;                  99:16</p> <p><b>outline (1)</b>                  9:11</p> <p><b>outside (7)</b>                  29:5;48:15,17,19;                  49:11,12;157:24</p> <p><b>over (25)</b>                  3:12;5:6;8:1,10,15;                  9:8;11:21,22;25:5;                  30:8;38:18,23;64:3;                  69:6;74:17;90:5;                  92:10;96:16;111:20;                  113:19;130:17;151:4;                  162:14;171:3,9</p> <p><b>overhead (1)</b>                  108:12</p> <p><b>overlay (1)</b>                  100:23</p> <p><b>overload (2)</b>                  132:8,10</p> <p><b>overview (1)</b>                  100:22</p> <p><b>own (4)</b>                  36:24;77:5;146:13;                  147:2</p> <p><b>owned (3)</b>                  55:18,24;171:12</p> <p><b>owner (13)</b>                  54:22;62:7;141:20;                  146:10,12,13;148:22;                  161:5;166:5,7,11;                  168:5;171:12</p> <p><b>owners (2)</b>                  40:2;94:16</p> <p><b>owns (5)</b>                  17:24;76:20;77:1,                  11,12</p>	<p><b>packet (1)</b>                  125:23</p> <p><b>packing (1)</b>                  109:11</p> <p><b>Page (5)</b>                  46:8,8;47:10;51:16,                  18</p> <p><b>pages (5)</b>                  51:13;87:15,19,24;                  88:3</p> <p><b>paid (1)</b>                  172:15</p> <p><b>panel (2)</b>                  29:4,6</p> <p><b>panels (1)</b>                  28:11</p> <p><b>paragraph (2)</b>                  67:5;98:22</p> <p><b>paragraphs (1)</b>                  82:9</p> <p><b>parallel (1)</b>                  59:20</p> <p><b>parcel (5)</b>                  49:10;55:17,17,24;                  56:1</p> <p><b>Park (3)</b>                  134:5;136:9,11</p> <p><b>parking (1)</b>                  76:12</p> <p><b>Parsons (4)</b>                  2:5;159:5,17;                  165:14</p> <p><b>part (33)</b>                  12:1,6;17:6;19:1,7,                  12;22:19,21;23:1,2;                  32:12;33:9,13,14;                  36:15;37:7;44:5;                  49:10,20;50:5;55:10;                  56:11;57:8;60:8;                  75:16;77:1;95:17;                  99:2;118:1;124:21;                  157:23;158:2;168:16</p> <p><b>partially (2)</b>                  42:19;105:13</p> <p><b>particular (3)</b>                  57:11;74:11,15</p> <p><b>particularly (2)</b>                  123:2,12</p> <p><b>parties (2)</b>                  84:8;125:11</p> <p><b>partly (2)</b>                  36:2;123:23</p> <p><b>parts (2)</b>                  99:11;124:4</p> <p><b>party (2)</b>                  123:8,9</p> <p><b>pass (2)</b>                  88:24;113:19</p> <p><b>past (10)</b>                  3:22;8:15;9:3;                  20:18;32:4;57:15;                  80:15;98:6;116:24;                  117:7</p>	<p><b>pathway (1)</b>                  57:12</p> <p><b>patience (1)</b>                  2:3</p> <p><b>patterns (2)</b>                  158:4,5</p> <p><b>Paul (3)</b>                  69:21;136:18;                  169:14</p> <p><b>pavement (1)</b>                  23:18</p> <p><b>peat (4)</b>                  86:24;136:2;                  137:15;138:21</p> <p><b>payback (3)</b>                  30:17,20,24</p> <p><b>paying (5)</b>                  85:9;86:22;122:12;                  137:10;138:22</p> <p><b>pays (1)</b>                  162:11</p> <p><b>peat (9)</b>                  64:1,3,3,16,24;                  70:19,21;71:11,22</p> <p><b>PECORARO (5)</b>                  89:10,10;90:12;                  91:13,21</p> <p><b>peer (10)</b>                  4:12;5:5;73:12;                  86:3;90:19;122:11,                  12,13;160:2;165:3</p> <p><b>people (36)</b>                  2:4;28:19;43:14;                  72:17;73:19;78:20;                  79:1,10,23;80:1,13,                  20;85:7,21;87:3;95:8;                  111:6,10;113:5;                  115:5;118:16;119:8;                  122:21;123:14;                  124:13,18;132:19;                  145:21;162:7;168:6;                  170:21;171:8,22;                  172:2;173:13,18</p> <p><b>people's (1)</b>                  125:18</p> <p><b>percent (3)</b>                  9:24;110:6;139:11</p> <p><b>percentage (1)</b>                  30:16</p> <p><b>perception (2)</b>                  124:21;125:18</p> <p><b>Perfect (2)</b>                  133:13,13</p> <p><b>perfectly (1)</b>                  65:1</p> <p><b>performance (1)</b>                  127:16</p> <p><b>performed (2)</b>                  7:3;66:10</p> <p><b>perhaps (9)</b>                  5:16;17:22;83:3;                  84:7;140:24;154:14;                  158:15;162:17;166:8</p>
		<b>P</b>		
		<b>packages (1)</b> 114:2		

<p><b>period (3)</b> 54:2;55:20;97:7</p> <p><b>periods (2)</b> 44:16;102:22</p> <p><b>permission (1)</b> 2:20</p> <p><b>permit (1)</b> 68:23</p> <p><b>permitting (1)</b> 96:13</p> <p><b>perpetuity (1)</b> 51:8</p> <p><b>person (3)</b> 49:24;112:3;138:6</p> <p><b>personally (1)</b> 45:22</p> <p><b>perspective (5)</b> 44:24;122:3,17,19; 138:19</p> <p><b>persuing (1)</b> 142:21</p> <p><b>Peter (1)</b> 6:24</p> <p><b>petition (1)</b> 167:21</p> <p><b>pharmacies (1)</b> 143:13</p> <p><b>phone (1)</b> 130:14</p> <p><b>photo (5)</b> 60:12,13,16,20,23</p> <p><b>photograph (5)</b> 99:14;101:16; 108:10,11;112:4</p> <p><b>photographs (7)</b> 22:21;57:6;95:2; 97:8;101:11;103:8; 107:11</p> <p><b>photos (3)</b> 13:21;22:21;32:4</p> <p><b>physical (1)</b> 58:16</p> <p><b>pick (2)</b> 150:16;169:20</p> <p><b>picked (2)</b> 123:11;125:7</p> <p><b>picture (4)</b> 106:19;109:9,12,14</p> <p><b>pictures (4)</b> 8:14;95:8;103:2; 109:15</p> <p><b>piece (2)</b> 6:17;170:12</p> <p><b>pile (27)</b> 108:21;109:2; 140:7;141:18;144:17, 19,23;145:12;146:20; 148:12,13;149:1; 150:1;161:12;162:3, 11,24;163:1,3,5,5,9; 166:5,9,22;168:16,22</p> <p><b>piles (6)</b> 107:6,6,7;146:22;</p>	<p>149:4;150:3</p> <p><b>pints (1)</b> 104:3</p> <p><b>pipe (9)</b> 10:16;25:10,11,11, 12;29:14;32:23; 96:16;99:16</p> <p><b>pipes (2)</b> 74:12;111:19</p> <p><b>Piping (1)</b> 126:10</p> <p><b>place (6)</b> 19:16;29:10;80:11; 97:9,24;172:1</p> <p><b>placing (1)</b> 49:4</p> <p><b>plague (1)</b> 2:6</p> <p><b>plain (7)</b> 36:18,20;37:18; 151:1,2,3;152:9,11</p> <p><b>plan (13)</b> 10:8,9,19;12:11,15; 14:13,13;32:6;36:12; 99:9,11;163:3;168:23</p> <p><b>planning (1)</b> 22:13</p> <p><b>plans (7)</b> 7:1,9;32:15,21; 35:23;36:1;149:5</p> <p><b>plan's (1)</b> 10:19</p> <p><b>plant (1)</b> 107:12</p> <p><b>plastic (3)</b> 89:18,22,24</p> <p><b>play (2)</b> 56:14;85:1</p> <p><b>please (10)</b> 9:21;59:15;62:19; 92:2;112:16;117:4; 127:2;133:3,22; 165:18</p> <p><b>plug (1)</b> 98:10</p> <p><b>pm (3)</b> 3:8;172:22;174:15</p> <p><b>pocket (2)</b> 121:2,4</p> <p><b>pockets (2)</b> 64:1,19</p> <p><b>point (38)</b> 4:19;5:16;11:12; 19:20;20:21;34:8; 38:5;43:11;44:1; 45:23;47:8;49:19; 60:4;61:4,17;66:4; 74:2;80:17;87:21; 104:17;111:6,10; 126:20;138:1,24; 139:16;144:16; 149:13;153:22; 156:13,14;157:9;</p>	<p>159:9,10;167:10; 168:23;170:9,14</p> <p><b>pointed (5)</b> 25:8;102:14; 140:17;152:3,3</p> <p><b>pointer (1)</b> 91:24</p> <p><b>pointing (3)</b> 22:18;92:12;159:7</p> <p><b>points (1)</b> 20:15</p> <p><b>police (1)</b> 143:6</p> <p><b>Pond (10)</b> 80:14,18;114:11; 135:9,10,13,15,17,18, 22</p> <p><b>poor (4)</b> 29:20;44:22;78:13, 20</p> <p><b>portion (7)</b> 12:16,17,18;46:20; 96:19;104:9;143:20</p> <p><b>posing (1)</b> 87:21</p> <p><b>position (5)</b> 14:7;49:6;85:1; 112:8;171:24</p> <p><b>possession (1)</b> 93:5</p> <p><b>possibility (1)</b> 75:20</p> <p><b>possible (3)</b> 31:7;131:8;169:17</p> <p><b>possibly (1)</b> 90:24</p> <p><b>posted (2)</b> 62:24;88:12</p> <p><b>posting (1)</b> 167:14</p> <p><b>potential (2)</b> 45:21;168:24</p> <p><b>potentially (4)</b> 94:8,8;168:20; 169:6</p> <p><b>powers (1)</b> 143:6</p> <p><b>practice (1)</b> 138:10</p> <p><b>practices (1)</b> 100:7</p> <p><b>precast (1)</b> 51:16</p> <p><b>precautions (3)</b> 160:21;163:4; 168:19</p> <p><b>precipitation (1)</b> 158:4</p> <p><b>precisely (2)</b> 94:13;122:10</p> <p><b>predominantly (1)</b> 107:4</p> <p><b>preface (1)</b></p>	<p>63:16</p> <p><b>prepare (2)</b> 87:20,21</p> <p><b>prepared (3)</b> 66:5;87:18;88:10</p> <p><b>prescription (1)</b> 37:15</p> <p><b>present (2)</b> 160:2;168:7</p> <p><b>presentation (3)</b> 3:15;5:19;20:12</p> <p><b>presented (1)</b> 120:23</p> <p><b>presently (1)</b> 99:20</p> <p><b>pressing (1)</b> 101:3</p> <p><b>pressure (2)</b> 106:2,2</p> <p><b>presume (1)</b> 147:4</p> <p><b>presumption (1)</b> 46:23</p> <p><b>pretty (11)</b> 2:13;25:4;40:10; 43:4;57:11;65:5;66:1; 75:16;155:15;162:23; 165:15</p> <p><b>prevent (1)</b> 42:24</p> <p><b>previous (3)</b> 7:21;118:10;156:21</p> <p><b>previously (5)</b> 14:11;24:18;36:22; 37:1;101:19</p> <p><b>prior (6)</b> 95:8;98:12;106:22; 110:5;141:17;147:8</p> <p><b>private (5)</b> 16:23;18:10;39:23; 40:2;76:23</p> <p><b>privately-owned (1)</b> 41:17</p> <p><b>pro (1)</b> 133:20</p> <p><b>proactively (1)</b> 120:5</p> <p><b>probably (13)</b> 5:8;20:22;23:7; 25:24;33:23;74:22; 75:12;115:1;125:2; 147:14,22;171:3; 173:18</p> <p><b>problem (16)</b> 41:4;42:8;43:17,23; 68:7;72:20;94:21; 95:17;119:10,11,18, 23;124:20;135:23; 137:24;172:24</p> <p><b>problems (6)</b> 21:21;95:1;102:23; 120:8;154:8;172:4</p> <p><b>procedure (1)</b></p>	<p>142:21</p> <p><b>proceed (1)</b> 151:6</p> <p><b>proceedings (1)</b> 174:14</p> <p><b>process (8)</b> 118:14,17;119:13; 120:10;123:6;124:21; 125:15;145:19</p> <p><b>processes (1)</b> 142:17</p> <p><b>produced (1)</b> 52:13</p> <p><b>productive (1)</b> 160:1</p> <p><b>professional (4)</b> 88:19;137:19,20; 138:6</p> <p><b>programs (1)</b> 75:23</p> <p><b>project (15)</b> 16:10;44:3,6,24; 50:6;67:1;81:22;85:5; 90:22;114:9;121:13, 16;126:22;139:4; 159:11</p> <p><b>projects (1)</b> 89:15</p> <p><b>prolonged (1)</b> 102:22</p> <p><b>prominent (1)</b> 57:10</p> <p><b>promise (2)</b> 127:10;130:9</p> <p><b>prone (1)</b> 50:16</p> <p><b>prongs (1)</b> 59:18</p> <p><b>pronounce (1)</b> 108:5</p> <p><b>proper (4)</b> 84:9,9;91:9;100:8</p> <p><b>properly (2)</b> 26:1;66:24</p> <p><b>properties (4)</b> 26:17;40:15;41:21; 94:13</p> <p><b>property (56)</b> 10:15,15,17;12:12; 13:8,17,19;14:20; 16:12,14,23;17:7; 18:1;38:18,20,21; 39:23;40:2,12;42:4; 43:1,8;46:20;48:9,11; 49:15,21;64:16;67:8; 76:23;77:2,5;83:3; 92:23,24;93:3;94:16; 99:20;100:7;102:10; 104:15;106:13; 110:12,12,24;111:23; 112:11;127:7;128:4; 156:24,24;165:24; 166:7;168:5;170:12;</p>
--	---	---	---	--

<p>171:9  <b>proposal (2)</b>                  117:20,24  <b>proposals (3)</b>                  117:20,22;118:1  <b>propose (1)</b>                  120:6  <b>proposed (8)</b>                  44:2;47:24;66:3,20;                  67:10;76:4;120:4;                  139:4  <b>proposing (2)</b>                  41:5;84:11  <b>protect (3)</b>                  89:17;90:21;158:3  <b>protecting (1)</b>                  159:14  <b>Protection (12)</b>                  20:1;67:19;104:7,                  13;140:6,11,21;                  141:8;142:10,23;                  143:8;147:3  <b>provide (12)</b>                  2:21;52:16,17;                  68:15,20;131:23;                  138:3,5;140:6;146:6;                  151:16;152:6  <b>provided (12)</b>                  3:16;37:1;66:22;                  74:5,20;75:2;88:4;                  119:2;120:14;140:19;                  142:4;156:20  <b>providing (2)</b>                  100:2;140:5  <b>provision (1)</b>                  151:1  <b>prudent (1)</b>                  5:15  <b>public (16)</b>                  2:12;3:7,7,17;4:18;                  43:14;86:2;87:4;                  95:11;122:17;123:22;                  125:13;137:13;                  144:19;154:10,20  <b>pull (1)</b>                  6:6  <b>pump (85)</b>                  14:23;21:10;26:2,                  14;27:1,4,12,23,24;                  28:1,7,16;29:2,5,11;                  30:3,9,21;31:5;32:13,                  24;34:13,14;35:9,12,                  13;38:10,14,15;40:13,                  14;41:1,7,9,15,17,20;                  42:5,11,14;43:4,15,                  16;47:22,23;52:1,4,6,                  18;53:11;56:16;                  79:14;80:3;95:7,9,12,                  20;96:16,21,21,22;                  97:20;100:8;101:8;                  102:16,17,19,20,21,                  24;103:3,4,7;105:21;                  109:22;110:3,5,10,17;</p>	<p>112:19;129:5;130:1;                  157:8;170:4,5  <b>pumping (9)</b>                  26:10,21;28:17,22;                  89:23;96:21,23;                  117:23;130:1  <b>pumps (5)</b>                  24:3;26:8;28:2;                  32:13;110:15  <b>purpose (6)</b>                  50:4;74:14;90:6,9;                  130:18;154:15  <b>purposes (3)</b>                  66:19;129:7;156:5  <b>pursue (1)</b>                  142:7  <b>purview (4)</b>                  84:20;91:19;                  157:24;158:13  <b>pushed (2)</b>                  30:6;42:5  <b>pushing (1)</b>                  154:12  <b>put (31)</b>                  20:21,23,23;22:9;                  24:13;31:10,11;                  33:12;38:10;43:2;                  45:16;48:11;51:6;                  55:2;72:9,10;83:15;                  87:2,11;88:22;89:17;                  90:21;92:2;97:15;                  98:5;103:5;124:14;                  125:23;131:6;133:6;                  161:12  <b>puts (2)</b>                  125:10,12  <b>putting (1)</b>                  96:15</p>	<p>29:12;49:14,20  <b>raised (5)</b>                  120:22;125:9;                  152:15;168:19;                  171:18  <b>raises (1)</b>                  67:6  <b>ran (3)</b>                  23:23;24:7,8  <b>rate (4)</b>                  23:18,21;50:9;                  121:15  <b>rather (6)</b>                  31:5;120:1;145:16;                  164:12;167:12;169:2  <b>re (1)</b>                  109:10  <b>reach (1)</b>                  130:17  <b>reaching (2)</b>                  158:13;159:1  <b>read (15)</b>                  9:10;32:16;47:6,8;                  51:13,14;52:23;53:4;                  63:16;81:19;95:16,                  19;102:8;113:1,19  <b>reading (3)</b>                  55:6;81:3;113:4  <b>ready (2)</b>                  5:24;139:1  <b>reality (1)</b>                  125:19  <b>realize (2)</b>                  113:7;172:3  <b>realized (1)</b>                  96:22  <b>really (23)</b>                  5:2;9:10;15:16;                  22:22;29:15;37:6,24;                  39:11;41:5;54:11;                  55:5;64:24;84:6;                  108:13;109:6;117:13;                  139:17;140:18;                  150:19;155:19,22;                  161:5;162:22  <b>reapproach (1)</b>                  96:6  <b>rear (1)</b>                  8:22  <b>rearview (1)</b>                  122:11  <b>reason (12)</b>                  8:16;17:14,18;                  73:14;83:4;90:4;                  107:19,20;113:21;                  115:3;138:17;166:6  <b>reasonable (5)</b>                  110:16;155:3,7;                  158:16;159:2  <b>reasonably (4)</b>                  37:18;75:18;76:11;                  139:5  <b>reasoning (1)</b></p>	<p>157:15  <b>reasons (2)</b>                  50:16;123:12  <b>rebuilt (1)</b>                  70:12  <b>recall (4)</b>                  64:24;68:11,13;                  75:14  <b>recap (1)</b>                  2:9  <b>receive (2)</b>                  64:22;75:10  <b>received (7)</b>                  7:2;35:16;36:5,12;                  46:4;47:7;61:22  <b>recent (4)</b>                  7:1,9;8:10;32:10  <b>recently (5)</b>                  5:7;75:11;129:9,13,                  16  <b>recognize (1)</b>                  98:10  <b>recommend (2)</b>                  26:24;30:1  <b>recommendation (13)</b>                  30:11;31:4;35:2;                  46:7,8;47:1,1,51:18,                  19;96:11;98:8;118:6;                  127:5  <b>recommendations (32)</b>                  27:24;30:13;34:23,                  23;35:1,15;45:18;                  46:12,17;47:4,14,15,                  16;48:3;51:15,21,24;                  52:11,16,17,19,21;                  53:2,8,17;100:1;                  110:17;118:8,17,18;                  119:17;157:18  <b>recommended (3)</b>                  43:10;52:2;103:6  <b>reconfiguring (1)</b>                  109:10  <b>reconnected (1)</b>                  102:1  <b>reconstructed (2)</b>                  20:20;24:12  <b>reconstruction (1)</b>                  95:17  <b>reconvene (1)</b>                  110:21  <b>record (10)</b>                  4:22;5:17;6:21;                  14:3;36:1,12;58:9;                  59:2;115:22;152:22  <b>records (5)</b>                  8:13;14:4;22:11;                  42:3;58:15  <b>red (4)</b>                  10:23;11:3,7,8  <b>redirect (1)</b>                  90:7  <b>reduce (1)</b>                  17:22</p>	<p><b>reducing (1)</b>                  107:16  <b>reemploy (1)</b>                  110:2  <b>reenforcement (1)</b>                  141:12  <b>reestablish (1)</b>                  148:10  <b>reestablished (2)</b>                  94:17;147:19  <b>refer (1)</b>                  108:17  <b>reference (2)</b>                  22:24;63:20  <b>references (1)</b>                  100:23  <b>referred (5)</b>                  5:18;62:1,3;92:17;                  127:20  <b>referring (6)</b>                  15:2;16:16;37:11,                  12;130:22;141:19  <b>refers (1)</b>                  63:2  <b>reflect (1)</b>                  57:6  <b>regard (1)</b>                  75:8  <b>regarding (5)</b>                  57:4;62:21;67:5;                  81:18;104:1  <b>regardless (1)</b>                  171:24  <b>regards (2)</b>                  64:10;155:24  <b>region (2)</b>                  105:3;111:9  <b>regional (1)</b>                  105:2  <b>registered (1)</b>                  137:18  <b>regs (1)</b>                  151:1  <b>regular (1)</b>                  44:16  <b>regulated (1)</b>                  20:2  <b>regulation (1)</b>                  105:7  <b>regulations (3)</b>                  37:13;122:6;147:2  <b>reinstall (1)</b>                  146:17  <b>relate (1)</b>                  139:5  <b>related (2)</b>                  82:17;164:21  <b>relative (1)</b>                  43:23  <b>relatively (1)</b>                  13:9  <b>release (3)</b>                  50:7;129:15,17</p>
	<b>Q</b>			
	<p><b>quantities (1)</b>                  64:5  <b>quick (2)</b>                  2:9;95:10  <b>quickly (4)</b>                  9:8;14:2;63:15;                  99:19  <b>quite (8)</b>                  15:6;24:16;70:4,21;                  79:23;154:14;156:16;                  161:10</p>			
	<b>R</b>			
	<p><b>Ragucci (1)</b>                  81:10  <b>rain (4)</b>                  30:9;90:24;116:24;                  117:7  <b>rainstorm (2)</b>                  78:22;99:17  <b>raise (3)</b></p>	<p>29:12;49:14,20  <b>raised (5)</b>                  120:22;125:9;                  152:15;168:19;                  171:18  <b>raises (1)</b>                  67:6  <b>ran (3)</b>                  23:23;24:7,8  <b>rate (4)</b>                  23:18,21;50:9;                  121:15  <b>rather (6)</b>                  31:5;120:1;145:16;                  164:12;167:12;169:2  <b>re (1)</b>                  109:10  <b>reach (1)</b>                  130:17  <b>reaching (2)</b>                  158:13;159:1  <b>read (15)</b>                  9:10;32:16;47:6,8;                  51:13,14;52:23;53:4;                  63:16;81:19;95:16,                  19;102:8;113:1,19  <b>reading (3)</b>                  55:6;81:3;113:4  <b>ready (2)</b>                  5:24;139:1  <b>reality (1)</b>                  125:19  <b>realize (2)</b>                  113:7;172:3  <b>realized (1)</b>                  96:22  <b>really (23)</b>                  5:2;9:10;15:16;                  22:22;29:15;37:6,24;                  39:11;41:5;54:11;                  55:5;64:24;84:6;                  108:13;109:6;117:13;                  139:17;140:18;                  150:19;155:19,22;                  161:5;162:22  <b>reapproach (1)</b>                  96:6  <b>rear (1)</b>                  8:22  <b>rearview (1)</b>                  122:11  <b>reason (12)</b>                  8:16;17:14,18;                  73:14;83:4;90:4;                  107:19,20;113:21;                  115:3;138:17;166:6  <b>reasonable (5)</b>                  110:16;155:3,7;                  158:16;159:2  <b>reasonably (4)</b>                  37:18;75:18;76:11;                  139:5  <b>reasoning (1)</b></p>	<p>157:15  <b>reasons (2)</b>                  50:16;123:12  <b>rebuilt (1)</b>                  70:12  <b>recall (4)</b>                  64:24;68:11,13;                  75:14  <b>recap (1)</b>                  2:9  <b>receive (2)</b>                  64:22;75:10  <b>received (7)</b>                  7:2;35:16;36:5,12;                  46:4;47:7;61:22  <b>recent (4)</b>                  7:1,9;8:10;32:10  <b>recently (5)</b>                  5:7;75:11;129:9,13,                  16  <b>recognize (1)</b>                  98:10  <b>recommend (2)</b>                  26:24;30:1  <b>recommendation (13)</b>                  30:11;31:4;35:2;                  46:7,8;47:1,1,51:18,                  19;96:11;98:8;118:6;                  127:5  <b>recommendations (32)</b>                  27:24;30:13;34:23,                  23;35:1,15;45:18;                  46:12,17;47:4,14,15,                  16;48:3;51:15,21,24;                  52:11,16,17,19,21;                  53:2,8,17;100:1;                  110:17;118:8,17,18;                  119:17;157:18  <b>recommended (3)</b>                  43:10;52:2;103:6  <b>reconfiguring (1)</b>                  109:10  <b>reconnected (1)</b>                  102:1  <b>reconstructed (2)</b>                  20:20;24:12  <b>reconstruction (1)</b>                  95:17  <b>reconvene (1)</b>                  110:21  <b>record (10)</b>                  4:22;5:17;6:21;                  14:3;36:1,12;58:9;                  59:2;115:22;152:22  <b>records (5)</b>                  8:13;14:4;22:11;                  42:3;58:15  <b>red (4)</b>                  10:23;11:3,7,8  <b>redirect (1)</b>                  90:7  <b>reduce (1)</b>                  17:22</p>	<p><b>reducing (1)</b>                  107:16  <b>reemploy (1)</b>                  110:2  <b>reenforcement (1)</b>                  141:12  <b>reestablish (1)</b>                  148:10  <b>reestablished (2)</b>                  94:17;147:19  <b>refer (1)</b>                  108:17  <b>reference (2)</b>                  22:24;63:20  <b>references (1)</b>                  100:23  <b>referred (5)</b>                  5:18;62:1,3;92:17;                  127:20  <b>referring (6)</b>                  15:2;16:16;37:11,                  12;130:22;141:19  <b>refers (1)</b>                  63:2  <b>reflect (1)</b>                  57:6  <b>regard (1)</b>                  75:8  <b>regarding (5)</b>                  57:4;62:21;67:5;                  81:18;104:1  <b>regardless (1)</b>                  171:24  <b>regards (2)</b>                  64:10;155:24  <b>region (2)</b>                  105:3;111:9  <b>regional (1)</b>                  105:2  <b>registered (1)</b>                  137:18  <b>regs (1)</b>                  151:1  <b>regular (1)</b>                  44:16  <b>regulated (1)</b>                  20:2  <b>regulation (1)</b>                  105:7  <b>regulations (3)</b>                  37:13;122:6;147:2  <b>reinstall (1)</b>                  146:17  <b>relate (1)</b>                  139:5  <b>related (2)</b>                  82:17;164:21  <b>relative (1)</b>                  43:23  <b>relatively (1)</b>                  13:9  <b>release (3)</b>                  50:7;129:15,17</p>

<p><b>released (1)</b> 129:6</p> <p><b>releases (1)</b> 106:3</p> <p><b>relevant (4)</b> 84:21;119:24; 139:4;157:5</p> <p><b>relief (5)</b> 78:21;79:2,11;81:1; 144:1</p> <p><b>relocated (1)</b> 14:1</p> <p><b>rely (3)</b> 48:2;71:18;139:15</p> <p><b>relying (2)</b> 36:21;138:16</p> <p><b>remaining (1)</b> 57:20</p> <p><b>remains (2)</b> 13:3;141:7</p> <p><b>remedial (2)</b> 96:4,6</p> <p><b>remedy (7)</b> 100:1;119:8,10; 141:12,12,18;143:15</p> <p><b>remember (8)</b> 53:7;65:2;70:2; 74:2;75:9;90:14; 126:12;146:19</p> <p><b>remembering (1)</b> 64:17</p> <p><b>remind (1)</b> 45:2</p> <p><b>remove (5)</b> 114:8;146:20; 148:11,17;149:11</p> <p><b>removed (3)</b> 103:1;162:3,12</p> <p><b>removing (3)</b> 109:2;160:19; 161:14</p> <p><b>RENNARD (3)</b> 2:23;165:13;174:6</p> <p><b>reopen (1)</b> 114:8</p> <p><b>reopened (1)</b> 105:6</p> <p><b>reopening (1)</b> 110:19</p> <p><b>repair (4)</b> 29:21;46:10;47:2; 110:17</p> <p><b>repaired (2)</b> 47:9;51:17</p> <p><b>repairing (1)</b> 47:10</p> <p><b>repeat (2)</b> 114:6;117:4</p> <p><b>replace (1)</b> 24:15</p> <p><b>replaced (5)</b> 22:7;38:15;51:17; 91:5;103:3</p>	<p><b>replacing (1)</b> 95:8</p> <p><b>report (45)</b> 9:9,11;10:11;22:21; 23:5;27:24;31:2; 35:12,14;46:4;47:9, 11,13,21;51:14,24; 52:2,6,19,23;53:4,5, 14;54:1;60:6;62:1; 87:15,17;98:16,18,18; 99:23,24,24;100:17, 18,19,21;101:17,20; 103:15,16;107:23; 140:13,20</p> <p><b>reported (1)</b> 21:22</p> <p><b>reporting (1)</b> 45:10</p> <p><b>reports (11)</b> 6:14;48:1;62:4,5; 66:5;69:1;88:9;95:24; 98:16;103:17;124:15</p> <p><b>represent (1)</b> 85:8</p> <p><b>representative (1)</b> 166:21</p> <p><b>representatives (1)</b> 5:1</p> <p><b>representing (1)</b> 93:21</p> <p><b>reputations (1)</b> 124:14</p> <p><b>request (13)</b> 107:17;118:23,24; 136:23;137:12; 151:21,23;152:2,5; 153:4;166:10,16; 168:5</p> <p><b>requested (1)</b> 7:23</p> <p><b>requesting (1)</b> 147:18</p> <p><b>requests (2)</b> 64:7;120:13</p> <p><b>require (9)</b> 51:5;137:14;141:2; 151:3,16,19;152:6,7; 154:17</p> <p><b>required (4)</b> 103:18;109:23; 162:4;163:20</p> <p><b>requirements (2)</b> 121:14;153:6</p> <p><b>requires (1)</b> 40:18</p> <p><b>research (3)</b> 170:13;171:19,22</p> <p><b>residence (1)</b> 18:10</p> <p><b>resident (1)</b> 70:11</p> <p><b>residential (1)</b> 84:11</p>	<p><b>residents (2)</b> 78:14;158:6</p> <p><b>residue (1)</b> 89:18</p> <p><b>resolved (1)</b> 112:8</p> <p><b>resource (1)</b> 20:2</p> <p><b>respect (3)</b> 4:15;157:3,17</p> <p><b>respectfully (2)</b> 46:18;120:12</p> <p><b>respond (8)</b> 6:14;118:9,15; 124:3;131:13;145:21; 146:14;158:9</p> <p><b>responded (2)</b> 6:24;7:20</p> <p><b>response (9)</b> 6:5,9,10;45:7;47:3; 82:20;139:20;152:23; 154:21</p> <p><b>responses (1)</b> 75:2</p> <p><b>responsibility (5)</b> 43:19;45:8;88:21; 126:20,21</p> <p><b>responsible (3)</b> 41:7;79:10;141:23</p> <p><b>rest (3)</b> 50:2;114:23;159:12</p> <p><b>restoration (1)</b> 148:19</p> <p><b>restore (3)</b> 149:14,15,16</p> <p><b>restricted (1)</b> 46:22</p> <p><b>restricting (1)</b> 157:4</p> <p><b>restricts (1)</b> 25:5</p> <p><b>resubmit (1)</b> 125:23</p> <p><b>result (2)</b> 7:7;72:4</p> <p><b>results (3)</b> 64:23;66:22;123:1</p> <p><b>retain (1)</b> 123:6</p> <p><b>retained (3)</b> 3:20;101:18;121:23</p> <p><b>retention (1)</b> 100:2</p> <p><b>review (21)</b> 4:12,13;6:10;7:19; 12:9;13:1;36:24; 39:19;52:10;72:11; 75:3;100:16;122:12, 13,24;123:6;138:1; 151:17,18;154:7; 160:2</p> <p><b>reviewed (6)</b> 66:10;68:9;74:18;</p>	<p>87:17;88:9;148:5</p> <p><b>reviewer (4)</b> 5:5;73:12;86:3; 90:19</p> <p><b>reviewers (1)</b> 165:3</p> <p><b>reviewing (3)</b> 3:20;5:9;66:20</p> <p><b>rid (1)</b> 163:9</p> <p><b>ridiculous (1)</b> 103:4</p> <p><b>right (67)</b> 4:4;5:11;14:7; 16:20;17:9;18:8,16; 26:18;28:7,9,20; 36:21;37:22;38:17; 45:11;48:13;49:11, 13,21;50:17;56:1; 58:14;61:8;68:19; 69:17;70:20;71:5; 72:24;73:3,5,6;77:22; 80:2,7;81:6;83:3; 84:15;85:16,22;91:7; 92:22;93:1;110:7; 113:19;122:15;131:9; 133:4,17;134:2,14; 135:19;136:22;138:2; 141:21;143:15;145:9; 146:21,24;147:3; 148:7;151:14;154:19; 161:14;163:24; 167:21;171:10; 172:21</p> <p><b>rightly (1)</b> 124:23</p> <p><b>Rimmer (3)</b> 90:19;148:4,8</p> <p><b>RJ (2)</b> 100:16;101:18</p> <p><b>Road (60)</b> 8:9,19;21:19;25:3, 9,13,17,24;26:19,22; 27:14;40:16;42:18; 46:10;47:2;50:21; 51:20;67:15,15,16; 69:22;78:8;80:24; 93:8;95:9;97:22; 98:20,23;99:4,9,15, 17,19;102:16,17,18, 19,20,21,24;103:4,7; 109:23;110:8,10; 111:4,11;112:20; 114:22;115:1,2; 118:5;126:6,8; 136:18;159:15;162:8; 165:23;166:1;169:24</p> <p><b>roads (2)</b> 78:14;170:1</p> <p><b>Robert (3)</b> 62:22,22;63:18</p> <p><b>rock (1)</b> 64:1</p>	<p><b>role (1)</b> 56:14</p> <p><b>Ron (2)</b> 104:8;106:7</p> <p><b>room (4)</b> 45:5;124:9;173:10, 18</p> <p><b>Rooney (1)</b> 95:1</p> <p><b>Rose (1)</b> 133:23</p> <p><b>rough (3)</b> 108:20;109:11; 166:5</p> <p><b>routine (1)</b> 105:8</p> <p><b>rubble (1)</b> 106:10</p> <p><b>rule (1)</b> 137:17</p> <p><b>rumors (2)</b> 69:4,6</p> <p><b>run (7)</b> 14:6;44:9;74:7; 91:1;112:11,11; 158:23</p> <p><b>running (9)</b> 26:3;28:7;79:14; 80:4;83:8;97:10; 110:3,5,6</p> <p><b>runoff (5)</b> 23:19,20;50:6,9; 121:14</p> <p><b>runs (6)</b> 10:12;18:16,20; 19:7;87:15;88:2</p> <p><b>rushing (1)</b> 25:12</p> <p><b>Russ (6)</b> 84:14,17;131:3,4, 20;132:3</p> <p><b>Rustic (1)</b> 8:19</p> <p><b>Rusty (1)</b> 130:24</p> <p><b>rye (1)</b> 107:1</p>
<b>S</b>				
				<p><b>safer (1)</b> 162:19</p> <p><b>safest (1)</b> 146:14</p> <p><b>same (14)</b> 9:6,13;20:22;25:15; 31:11;35:24;55:2; 57:12;96:9;114:17; 119:20;143:4;156:23, 23</p> <p><b>Samuel (1)</b> 11:14</p> <p><b>sand (7)</b></p>

25:3;65:4,5,12; 71:22;72:2,6 <b>sat (1)</b> 124:9 <b>satisfactorily (1)</b> 7:16 <b>satisfactory (1)</b> 153:8 <b>satisfied (1)</b> 69:12 <b>Saturday (2)</b> 3:22;28:6 <b>Saturdays (1)</b> 3:24 <b>saw (20)</b> 25:1,13;26:10,16; 27:1;28:1;29:12,16; 75:16;90:1;96:21; 97:14;102:14,17; 111:3;112:5;116:18; 118:2;127:8;140:7 <b>saying (21)</b> 11:2;17:17;49:7; 53:1,2;58:11,15; 60:18;71:10;73:8; 87:11;88:14;125:16; 127:5,6;134:23; 138:13;139:13;151:9, 13;152:12 <b>scale (1)</b> 32:15 <b>schedule (1)</b> 154:17 <b>schematic (1)</b> 95:15 <b>school (7)</b> 10:14,15,16;11:9, 10;18:9;135:12 <b>scientific (1)</b> 124:22 <b>scientist (6)</b> 2:16;90:17,18,20; 137:20;148:9 <b>scientists (1)</b> 158:10 <b>screen (1)</b> 10:20 <b>screeener (1)</b> 109:2 <b>screwed (1)</b> 88:19 <b>Second (13)</b> 3:2,3;6:17;67:4; 96:11;112:3;115:9; 130:23;136:24;137:9; 144:12;174:3,6 <b>secret (1)</b> 85:23 <b>section (7)</b> 19:5;20:5;30:6; 32:23;38:7;88:11; 142:20 <b>sediment (3)</b>	15:7,22;109:22 <b>sedimentation (3)</b> 44:7,11,21 <b>seed (3)</b> 107:1,2,15 <b>seeing (6)</b> 59:15;64:24;68:11, 13;75:14;134:1 <b>seek (4)</b> 141:11;142:23; 143:24;148:20 <b>seem (3)</b> 45:14;60:13;155:6 <b>seems (11)</b> 30:9;40:20,24; 42:23;50:1;57:7;83:7; 90:1;120:9;128:23; 171:15 <b>sees (1)</b> 167:21 <b>Select (1)</b> 63:22 <b>selection (1)</b> 125:7 <b>Selectmen (2)</b> 62:23;105:10 <b>selenium (1)</b> 108:5 <b>send (6)</b> 53:18;58:20;131:1, 9,12;132:9 <b>senior (1)</b> 18:18 <b>SENNA (16)</b> 133:23,23;134:5,7, 10,14,19,22;135:4,10, 15,18,20;136:5,7,15 <b>sense (12)</b> 33:19;37:8;38:20; 50:2;86:10,16;123:5, 22;125:6,11,14;168:8 <b>sensible (1)</b> 173:12 <b>sensitive (2)</b> 37:5;89:19 <b>sensitivity (1)</b> 153:10 <b>sent (2)</b> 62:22;128:22 <b>separate (7)</b> 9:14,15;35:11; 53:13;142:21;143:3,5 <b>separated (1)</b> 101:1 <b>September (1)</b> 82:11 <b>sequence (1)</b> 37:23 <b>series (1)</b> 107:10 <b>serious (1)</b> 86:11 <b>seriously (1)</b>	170:17 <b>serve (1)</b> 156:5 <b>served (5)</b> 5:8;110:21;114:10; 154:10,11 <b>service (1)</b> 29:8 <b>services (1)</b> 2:21 <b>set (18)</b> 62:16;74:5,20,23; 75:11,13;136:24; 139:17;147:7,14; 149:20;150:12; 154:16;155:3;160:14; 164:15,16;172:21 <b>sets (1)</b> 35:24 <b>settled (2)</b> 29:19;102:21 <b>seven (2)</b> 24:13;111:1 <b>several (4)</b> 9:19;87:15,18; 131:21 <b>sewer (1)</b> 52:1 <b>shallow (2)</b> 75:14;156:14 <b>shape (2)</b> 140:5;164:13 <b>share (2)</b> 9:21;59:13 <b>shared (1)</b> 59:12 <b>shook (1)</b> 128:16 <b>short (1)</b> 112:12 <b>shortage (2)</b> 67:1;104:20 <b>shot (1)</b> 108:12 <b>show (18)</b> 11:1;12:16;14:5,13; 56:22;60:13;61:5; 92:18,20;93:4,5;94:5; 97:9;107:11;109:17; 112:10,11;157:20 <b>showing (3)</b> 14:14;32:21;68:14 <b>shown (2)</b> 7:8;19:14 <b>shows (15)</b> 10:8;12:5,11,14,17; 32:7;97:23;99:12; 100:22,22,24;101:20; 108:14,15;109:1 <b>shut (1)</b> 82:6 <b>side (16)</b> 10:16;16:6,7;18:20;	25:21;26:13;39:15, 21;43:5;54:7;76:19; 89:21;100:12;101:12, 14;125:12 <b>sides (2)</b> 29:12;123:7 <b>sign (1)</b> 2:21 <b>signed (1)</b> 93:2 <b>significant (7)</b> 4:10;41:4,23;60:7; 95:24;99:11;111:5 <b>significantly (2)</b> 27:5;112:7 <b>signing (1)</b> 2:24 <b>silicon (1)</b> 69:3 <b>silt (6)</b> 42:1,2,5;43:12; 145:12;147:19 <b>siltation (6)</b> 43:23;44:7,20;98:9; 140:3;148:11 <b>silted (2)</b> 42:7;57:14 <b>silted-up (1)</b> 43:6 <b>similar (1)</b> 102:14 <b>simple (5)</b> 50:3;87:8;88:18; 165:20;166:10 <b>simplistic (1)</b> 38:22 <b>simply (6)</b> 15:14;43:18;53:2; 57:20;97:11;98:5 <b>single (3)</b> 56:19;132:14,15 <b>sink (1)</b> 71:11 <b>sinked (1)</b> 102:22 <b>site (76)</b> 2:11;3:13,21;8:20, 22,23;9:13,17;10:6; 25:1,8;26:16;27:2; 28:6;29:9;30:3;32:14; 33:10,14;38:7;40:10; 44:12,18;49:1,18; 54:3;63:2;65:8;67:11; 71:3;72:7;75:19; 76:11;91:2;98:24; 100:6;103:9;107:4; 116:3,6,10,10,11,13, 19;117:1,9;118:2,4,6, 11;120:3,4;121:9,11, 16,24;122:1;123:13, 15;125:24;137:22; 139:23,23;140:2,14, 18;143:20;145:14;	153:16,23;157:5,6,8, 10;158:1 <b>sites (1)</b> 76:3 <b>sits (2)</b> 61:13;163:1 <b>sitting (1)</b> 80:22 <b>situation (13)</b> 15:20;27:2,4;28:21; 37:5;38:1;42:22; 44:13;79:4;100:1; 110:18;170:20;171:2 <b>situations (2)</b> 27:1;37:17 <b>six (5)</b> 29:18;60:4;78:17; 103:10;107:10 <b>size (1)</b> 8:12 <b>skate (2)</b> 136:10;171:10 <b>sketch (1)</b> 32:13 <b>sketchy (1)</b> 72:22 <b>skew (1)</b> 123:1 <b>skills (1)</b> 124:24 <b>skip (1)</b> 111:19 <b>slide (2)</b> 92:1,12 <b>slight (2)</b> 7:8;32:24 <b>slightly (1)</b> 32:20 <b>slope (1)</b> 32:24 <b>slopes (1)</b> 33:1 <b>slow (1)</b> 50:7 <b>slowly (2)</b> 42:22;154:14 <b>small (3)</b> 22:1;30:16;82:8 <b>smaller (2)</b> 143:12;173:18 <b>snow (3)</b> 116:23;117:6,7 <b>soft (3)</b> 75:14,22;76:7 <b>soil (9)</b> 7:4;65:9;72:3; 75:15,15,24;98:9,10; 107:14 <b>soils (10)</b> 64:8,12;66:7,8; 67:2;75:19,22;76:11; 100:23;123:13 <b>sold (1)</b>
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130:19 <b>SOLOMON (27)</b> 62:15;89:1,6;115:7, 8,13,18,23,23;116:2, 14,22;117:2,10,14,19; 118:7,12;119:3; 120:24;121:4,22; 122:15;124:17; 128:22;144:11,14 <b>solution (2)</b> 94:20;119:12 <b>solutions (3)</b> 41:5;119:22;120:9 <b>somebody (5)</b> 17:8;61:4;79:1; 103:5;126:13 <b>somehow (2)</b> 135:20;171:4 <b>someone (11)</b> 17:10;21:11;58:7; 66:12;90:1;112:21; 121:24;123:2,6; 131:24;161:15 <b>sometime (2)</b> 14:5;57:20 <b>Sometimes (8)</b> 36:9;119:7;123:4; 124:1,20;125:17; 143:8;152:21 <b>somewhat (1)</b> 157:23 <b>somewhere (1)</b> 80:11 <b>sooner (2)</b> 164:12;167:12 <b>Sorenson (1)</b> 96:24 <b>sorry (27)</b> 2:18;17:3;21:14; 26:6;30:4;35:6;38:20; 42:16;45:3,4;46:15; 47:15;59:22;60:12; 63:4;82:24;94:3; 109:6;113:22;115:21; 117:3,5;124:5; 129:14;131:4,18; 166:19 <b>sort (5)</b> 10:22;15:11;56:12; 122:16;162:6 <b>sorts (1)</b> 170:8 <b>sounds (6)</b> 45:8;52:18;62:11; 112:10;150:1;170:11 <b>south (14)</b> 10:16;11:8;16:3,4, 18;44:14;92:13; 96:18;105:20;106:4; 111:7,12,21;134:12 <b>southeasterly (2)</b> 8:8;46:19 <b>southerly (2)</b>	10:10;100:12 <b>southern (6)</b> 101:12;106:24; 107:12;108:8;110:15; 114:13 <b>speak (6)</b> 2:7;74:3;138:9; 150:2;167:8;170:11 <b>speaking (1)</b> 127:21 <b>specialist (1)</b> 2:17 <b>specific (3)</b> 124:7;126:7;130:18 <b>specifically (1)</b> 45:6 <b>specifics (1)</b> 86:19 <b>spend (1)</b> 166:13 <b>spoke (2)</b> 35:3;70:10 <b>spot (3)</b> 34:7;135:13,15 <b>spraying (2)</b> 162:2,6 <b>spread (4)</b> 73:20;76:9;85:20; 86:9 <b>spreadsheet (3)</b> 85:18;87:12;88:16 <b>Spring (6)</b> 10:9;11:22,22,23; 21:12;23:9 <b>stable (1)</b> 71:1 <b>staffing (1)</b> 104:20 <b>stage (1)</b> 127:16 <b>stagnant (4)</b> 13:9;14:17;34:3; 80:23 <b>stake (1)</b> 89:18 <b>stakes (2)</b> 89:22,24 <b>stamps (1)</b> 138:3 <b>stand (1)</b> 9:4 <b>standard (2)</b> 124:19;157:10 <b>standards (1)</b> 40:18 <b>standing (1)</b> 111:16 <b>start (10)</b> 9:7;11:19,24;14:22; 26:21;28:22;80:10, 11;104:21;119:12 <b>started (2)</b> 2:3;169:15	<b>starts (2)</b> 34:8;80:4 <b>state (3)</b> 24:13,19;141:19 <b>stated (1)</b> 129:24 <b>statement (4)</b> 40:23;45:21;121:7, 8 <b>statements (1)</b> 46:23 <b>state-of-the-art (2)</b> 44:3,19 <b>station (37)</b> 21:11;27:1,5,12,23, 24;29:2,5,11;32:14, 24;35:9,12,13;38:15; 40:13,14;41:1,8,9,16, 17,20;42:5,11,15; 43:5;47:22,23;52:2,5, 6,18;53:11;56:16; 89:23;117:23 <b>stats (1)</b> 50:13 <b>status (1)</b> 62:4 <b>stay (1)</b> 50:23 <b>staying (1)</b> 149:6 <b>Stelline (2)</b> 104:8;106:8 <b>step (4)</b> 130:13;141:15; 168:21;171:7 <b>stepping (1)</b> 104:13 <b>steps (2)</b> 37:23;83:24 <b>Steven (2)</b> 17:2;45:3 <b>stiff (1)</b> 75:16 <b>still (6)</b> 5:6;15:24;61:23; 99:21;106:1;173:21 <b>Stoneham (15)</b> 3:8;62:23,23;64:6; 103:21;105:17,18; 129:7;133:24;134:23; 136:9;170:15,24; 171:6;172:1 <b>Stoneham's (2)</b> 63:19,23 <b>stop (2)</b> 114:9;173:2 <b>stopping (1)</b> 80:16 <b>storage (2)</b> 100:3;107:16 <b>stories (2)</b> 113:3;126:16 <b>storm (16)</b>	40:17,19,22;44:3,4, 19;50:5,12;74:6,9,9, 10;91:1;121:14; 153:14;158:3 <b>storms (3)</b> 30:9;74:8,8 <b>story (2)</b> 78:17;126:14 <b>straight (3)</b> 14:8;116:8,17 <b>stream (6)</b> 19:21,22,24;20:6,8; 155:22 <b>streams (1)</b> 33:8 <b>Street (73)</b> 9:23;10:9,23;11:1, 4,22;15:1;16:3,3,4,6; 18:6,19;19:8;20:19; 21:20;23:9;24:12,14; 25:2,18,19,19,22; 26:20;29:23;32:7; 33:12;34:1,11;41:10, 11,13,19;42:6,14,21; 43:6;44:15;53:9,10; 67:16;74:17;76:18, 19;78:16;92:14; 95:14,16,18,22;96:8, 14,17,18;99:2;100:9, 10,13;101:13,14; 103:3;104:2;112:20; 113:13,17;114:22; 134:2;135:5,6;156:1; 169:19;170:1 <b>streets (8)</b> 4:16,16;23:4,6,16; 136:8;153:15,16 <b>strikes (2)</b> 116:5;125:5 <b>strip (1)</b> 129:3 <b>struck (1)</b> 125:19 <b>structural (1)</b> 64:4 <b>struggle (1)</b> 173:11 <b>stuck (3)</b> 2:4;9:5;59:5 <b>studied (3)</b> 65:22,24;86:23 <b>studies (2)</b> 57:1;68:3 <b>study (34)</b> 6:11,18;7:23;8:2,5, 12;9:12;32:2;36:15, 20;45:19;46:5;51:12, 23;52:8,10,15;55:11; 56:11,18;60:8;64:13; 65:1;73:23,24;98:19; 99:4;118:22;119:1,2; 121:15,19;157:18; 158:18	<b>stuff (3)</b> 38:8;55:7;113:7 <b>stuff's (1)</b> 161:2 <b>sub (2)</b> 34:16;153:22 <b>subdivisions (2)</b> 23:8;114:23 <b>subject (7)</b> 20:12;37:11,16; 49:5,12;106:6;166:1 <b>subjective (2)</b> 116:15;125:6 <b>submerged (2)</b> 26:10;28:15 <b>submerges (1)</b> 25:19 <b>submission (6)</b> 94:23;95:4;105:12; 108:16;120:20;155:4 <b>submit (4)</b> 71:23;103:17; 105:9;113:14 <b>submitted (28)</b> 4:13,20,22,24;5:7, 18;6:3,4,5,9,11;7:22; 13:22;32:15;36:22; 47:21;58:18;68:21; 95:6,8,23;97:8; 103:16;104:23; 105:11;117:20; 118:24;121:20 <b>submitting (1)</b> 47:20 <b>sub-watersheds (1)</b> 157:16 <b>sudden (1)</b> 80:3 <b>sufficient (1)</b> 76:12 <b>suggest (11)</b> 27:8,10;59:1;100:2, 3,6,8,9,11;158:12; 163:17 <b>suggested (2)</b> 29:1;114:14 <b>suggesting (4)</b> 66:12;108:9; 163:19;168:11 <b>suggestion (2)</b> 163:13;168:15 <b>suggestions (2)</b> 45:16;171:21 <b>Sullivan (1)</b> 153:20 <b>summarize (1)</b> 6:13 <b>summary (5)</b> 86:13;88:3,6,11; 102:4 <b>summation (2)</b> 110:14;111:24 <b>summer (1)</b>
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166:13 <b>sump (1)</b> 170:4 <b>sunk (4)</b> 97:14;102:19,22; 112:7 <b>Sunset (31)</b> 8:9,19;21:19;25:9, 13,16,24;26:19,22; 27:14;35:22;42:18; 46:10;47:2;51:20; 53:10,10;67:15; 70:15;76:20;78:15; 79:5,17;80:9;112:20; 115:1;118:4;126:5,8; 129:6;172:10 <b>superior (1)</b> 143:9 <b>supplied (7)</b> 98:15;99:8,14,22; 100:14,17,18 <b>supply (3)</b> 113:17;129:10; 131:7 <b>suppose (1)</b> 3:6 <b>supposed (3)</b> 112:1;114:12;140:3 <b>sure (40)</b> 3:10;7:13;8:3;18:3, 10;27:13;43:13; 48:21;52:14,20;55:2; 56:23;63:13;67:19; 68:16;69:9,20;73:9; 77:1;79:23;80:7,12; 89:13;90:2;94:13; 114:3;134:17;138:24; 144:15;145:3;147:12; 148:24;151:22,24; 153:11;160:16; 162:11;165:15; 167:11,11 <b>surprised (3)</b> 116:18,21;127:9 <b>surprising (1)</b> 117:12 <b>surrounding (1)</b> 159:12 <b>survey (9)</b> 14:13;19:15,15; 32:11;36:3,4;99:23; 100:15,21 <b>surveyor (1)</b> 88:19 <b>suspect (2)</b> 74:22;76:2 <b>swale (3)</b> 43:7;100:5,12 <b>swales (2)</b> 42:7;100:4 <b>swamp (2)</b> 50:18;92:15 <b>swamps (1)</b>	17:23 <b>swap (1)</b> 78:18 <b>Sweeney (1)</b> 62:22 <b>synagogue (1)</b> 165:23 <b>system (8)</b> 15:17;16:1;17:22; 26:20;74:15;105:14; 108:15;114:20 <b>systems (9)</b> 4:15;7:6,7;24:3; 48:10;49:9;50:1; 65:11;153:14  <b>T</b>  <b>TA (2)</b> 131:9,14 <b>table (4)</b> 53:23;61:19;74:16; 159:13 <b>tailored (1)</b> 143:19 <b>talk (17)</b> 47:10;55:5;78:12; 81:6;98:14;128:11, 20;130:21;145:6,10, 17;157:20;159:22,24; 163:10;166:22,24 <b>talked (7)</b> 33:8;45:6;58:4; 83:1;112:18;129:24; 169:23 <b>talking (27)</b> 2:13;16:18;23:13; 34:22;59:19;60:20; 61:4,6;63:6;67:14,15; 76:23;77:21;92:15; 111:9;129:4;132:23; 134:1,8,24;135:4; 146:1;149:2;150:4; 160:21;171:13;173:2 <b>talks (1)</b> 102:18 <b>Tamarack (1)</b> 153:21 <b>Tamarock (10)</b> 23:11;67:16;84:14, 17;93:8;98:20,23; 99:5,9;114:22 <b>tape (1)</b> 115:12 <b>Tara (1)</b> 160:17 <b>target (1)</b> 84:19 <b>taxes (2)</b> 86:24;172:5 <b>taxpayers (1)</b> 171:6 <b>Teachable (2)</b>	160:23;165:22 <b>teepee (1)</b> 33:4 <b>televised (2)</b> 173:3,6 <b>telling (1)</b> 113:3 <b>ten (6)</b> 9:24;39:11;106:10; 112:12;128:11; 157:11 <b>tennis (4)</b> 101:10,11;112:6; 171:11 <b>ten-year (1)</b> 74:9 <b>term (1)</b> 48:13 <b>terms (7)</b> 44:7;45:1,1;73:16; 122:1;158:11;161:14 <b>Terrace (9)</b> 67:16;84:14,17; 93:8;98:20,23;99:5, 10;114:22 <b>terrible (2)</b> 106:18,20 <b>test (6)</b> 69:8;92:7;98:3; 122:24;123:3,4 <b>tested (3)</b> 68:5;69:8;108:9 <b>testimony (3)</b> 67:7;150:20,21 <b>testing (7)</b> 7:4,7;71:3;122:18, 19;123:6,7 <b>tests (4)</b> 68:10,12;70:21; 123:19 <b>text (1)</b> 165:17 <b>Thanks (10)</b> 4:5;6:16;7:14; 31:20;62:8;68:17; 112:14;127:14;132:5; 133:16 <b>thereafter (1)</b> 105:23 <b>therefore (2)</b> 21:6;64:6 <b>thinking (3)</b> 39:19;40:16;72:21 <b>third (4)</b> 34:20;138:1,6; 139:17 <b>thorough (2)</b> 2:13;120:21 <b>though (3)</b> 17:9;117:11;139:5 <b>thought (13)</b> 7:18;32:21;46:15, 16;58:22;60:17;	75:16;116:7;118:16; 119:21,21;120:20; 121:12 <b>thoughts (1)</b> 40:9 <b>thread (2)</b> 132:14,15 <b>threading (1)</b> 96:16 <b>three (17)</b> 32:4;53:18;57:19; 59:18,18,19;61:10; 72:17;73:4;85:21,22; 86:5,20;87:13,23; 164:22,22 <b>throughout (2)</b> 47:7;76:11 <b>Thursday (5)</b> 3:8;82:11;164:20; 167:19;169:6 <b>times (9)</b> 9:18,19;33:24;46:9; 65:18;73:4;103:23; 122:20;123:2 <b>tires (1)</b> 109:18 <b>today (16)</b> 6:11;7:22;12:24; 13:1;20:23;39:14; 42:8,13;102:12; 103:10;112:6;116:4; 117:19;164:22,23; 170:9 <b>today's (2)</b> 156:3;164:19 <b>together (6)</b> 87:3,12;115:2; 153:24;159:17,24 <b>told (3)</b> 55:1,3;80:13 <b>tomorrow (3)</b> 127:11;129:20; 169:11 <b>tonight (16)</b> 2:6;5:6,10;6:21; 34:24;47:8;52:17; 85:1;94:20;118:24; 119:2;126:11;128:9; 139:3;151:4,18 <b>tons (1)</b> 106:9 <b>took (7)</b> 13:2,2;57:20;75:21; 109:9;157:15;158:8 <b>top (3)</b> 70:5;74:3;75:9 <b>topographic (1)</b> 36:24 <b>topographical (2)</b> 99:8,10 <b>topography (3)</b> 90:8;170:7;172:5 <b>total (2)</b>	30:16;34:10 <b>totally (1)</b> 139:3 <b>touch (1)</b> 161:7 <b>touched (1)</b> 140:12 <b>tough (1)</b> 93:18 <b>toward (2)</b> 26:20;33:15 <b>towards (6)</b> 56:16;60:3;74:17; 99:1;134:16,23 <b>Town (52)</b> 2:22;3:9;4:14;5:5; 13:7;22:11,12;36:6, 22;37:7;41:12;63:1; 65:18;69:7;73:12,21; 77:9,10,12;79:17; 81:10;85:17;87:5; 89:1;96:7,7,12; 101:18;105:17,18; 114:7;115:8,23; 123:5;126:21;129:7; 132:14;137:4,6,10,13; 138:3;139:10;143:24; 146:1;170:15,19,24; 171:6;172:1,3,4 <b>Town's (1)</b> 4:12 <b>townsfolk (1)</b> 119:15 <b>track (1)</b> 132:16 <b>tracks (2)</b> 143:3,5 <b>traffic (2)</b> 2:4;9:6 <b>transcript (1)</b> 115:11 <b>trash (2)</b> 68:13;69:2 <b>travel (2)</b> 113:16;114:23 <b>tremendous (2)</b> 116:6;117:6 <b>trenches (2)</b> 83:4,11 <b>tributary (2)</b> 4:16;153:14 <b>tried (2)</b> 57:15;118:9 <b>triggered (1)</b> 142:3 <b>trouble (1)</b> 139:14 <b>trough (4)</b> 26:8;28:2;29:11,12 <b>true (2)</b> 113:15;167:24 <b>trust (2)</b> 72:21;76:21
---	--	--	---	--

<p><b>try (8)</b>                  37:4,8;84:16;                  154:23,24;159:18;                  160:13;164:16</p> <p><b>trying (11)</b>                  20:16;22:5;30:21;                  39:24;81:20;83:15;                  118:14,15;119:3;                  121:12;123:24</p> <p><b>turn (1)</b>                  3:12</p> <p><b>TV (1)</b>                  173:22</p> <p><b>twice (1)</b>                  107:12</p> <p><b>Two (35)</b>                  3:23,24;6:3,14,14;                  12:13;16:17;18:8;                  28:11;48:1;51:14,21;                  52:7,18;53:2;54:8;                  57:13;62:21;63:10;                  104:3;110:20;111:18;                  115:7;124:4;127:16;                  136:8;138:2,8,12;                  142:17;143:3,5;                  151:9;154:18;168:6</p> <p><b>two-year (1)</b>                  74:9</p> <p><b>types (1)</b>                  69:2</p> <p><b>typical (1)</b>                  158:20</p>	<p>20:1;39:16</p> <p><b>unexpected (1)</b>                  117:11</p> <p><b>unexpectedly (1)</b>                  121:10</p> <p><b>unforeseen (1)</b>                  50:16</p> <p><b>unfortunate (1)</b>                  104:17</p> <p><b>unfortunately (1)</b>                  94:22</p> <p><b>uniform (1)</b>                  65:6</p> <p><b>unique (1)</b>                  63:23</p> <p><b>unknowns (1)</b>                  156:10</p> <p><b>unless (6)</b>                  27:17;38:2;45:23;                  84:4;111:18;168:17</p> <p><b>unreasonable (4)</b>                  51:3;153:12;                  162:14;166:16</p> <p><b>unstable (1)</b>                  64:4</p> <p><b>untenable (1)</b>                  112:8</p> <p><b>untrained (1)</b>                  140:8</p> <p><b>unusual (1)</b>                  75:24</p> <p><b>up (84)</b>                  7:18;8:19;10:19;                  11:13,14,21,21;14:10,                  21;15:24;21:5,7,8;                  22:1;25:17,18,21;                  26:8,11,13,19,20,22;                  28:2,19;32:3,15,18,                  24;38:24;39:17,20;                  42:20,24;45:17;50:2;                  55:13;57:14,16;65:8;                  68:14;78:9;83:6;                  84:15,18;85:4;88:19;                  89:17;90:21;92:2,4;                  95:21;97:13,20,21;                  99:11;101:5;104:1,                  21;106:3;112:4;                  127:20;128:17,18;                  130:13,24;133:6;                  135:11;136:8;139:3,                  22;144:10;146:2,16;                  148:22;153:15;                  154:16;156:13;                  159:11,19;162:21;                  165:21;169:21;170:1</p> <p><b>updated (2)</b>                  29:3;74:20</p> <p><b>upheld (1)</b>                  82:12</p> <p><b>uphill (3)</b>                  112:21;113:9,16</p> <p><b>upland (3)</b>                  50:9;57:5,16</p>	<p><b>upon (2)</b>                  15:4;171:20</p> <p><b>use (12)</b>                  44:2,17;49:16,18;                  65:8;84:11;92:3;95:9;                  98:8;130:4;139:17;                  166:12</p> <p><b>useable (1)</b>                  21:13</p> <p><b>used (17)</b>                  34:2;50:18;61:10;                  73:13;94:11;130:2,                  13,15,18;135:1;                  136:10;149:13;                  155:16;162:4,5;                  165:22;171:9</p> <p><b>useless (1)</b>                  103:1</p> <p><b>USGS (2)</b>                  39:10;155:14</p> <p><b>using (1)</b>                  37:19</p> <p><b>usually (1)</b>                  80:14</p> <p><b>utilize (1)</b>                  166:8</p> <p><b>utilizing (1)</b>                  114:18</p>	<p><b>violation (9)</b>                  140:11,22;141:7,                  13,14,24;143:4,5,21</p> <p><b>violations (4)</b>                  102:13,14;128:3;                  140:21</p> <p><b>visit (20)</b>                  2:11;3:13,21;9:13,                  17;28:6;29:9;30:4;                  63:2;91:3;103:9;                  116:3,10;118:2,4,6;                  121:11;139:23;140:2,                  14</p> <p><b>volume (3)</b>                  30:14,15,16</p> <p><b>volumes (1)</b>                  129:11</p> <p><b>volunteers (1)</b>                  154:11</p> <p><b>vote (1)</b>                  144:10</p>	<p>172:14</p> <p><b>Wantman's (1)</b>                  148:14</p> <p><b>wants (1)</b>                  151:5</p> <p><b>wash (3)</b>                  29:20;72:3,6</p> <p><b>washed (2)</b>                  72:1;107:15</p> <p><b>watched (1)</b>                  144:21</p> <p><b>watching (1)</b>                  165:16</p> <p><b>water (163)</b>                  8:16,24;9:2;10:2;                  13:8;14:9,10,21,22;                  15:5,15;17:21;21:4,5,                  7,9,21;23:22,24;24:1,                  11;25:9,12,12,15,16,                  17,21,23;26:4,11,11,                  13,14,21;28:2,2,7,13,                  16;29:10,13,22,22;                  31:16;33:22,23;34:3,                  8;39:13,16;40:18,22;                  41:3,10,18;42:14,19,                  20;43:3;44:3,4,19;                  48:10;49:24;50:3,5,6,                  12;56:16;57:16;64:5;                  65:23,24;66:2;74:6,                  12,15;76:16,17;                  77:14;80:4,5,15,15,                  18,22,23;83:5;89:18;                  90:6;94:7,7,8;95:20;                  97:4,17,19;99:12,15,                  19;101:5,21;102:1;                  104:10,15;106:2,3;                  107:16;109:22;110:8,                  10,12,22,23;111:2,4,                  7,8,11,15,20,21,21,23;                  112:1;113:16;114:8,                  10,21;116:6,9,13,18;                  117:1,8,11,15,16,17,                  18;121:8,11;122:1;                  127:7;134:2;135:1,3,                  5,21;136:10,22;                  137:1;155:20;156:7,                  11,14,15,19;159:13;                  162:3;169:22,22</p> <p><b>waterfall (1)</b>                  99:18</p> <p><b>waters (1)</b>                  10:9</p> <p><b>water's (1)</b>                  170:5</p> <p><b>watershed (53)</b>                  6:11,18;7:23;8:2,5,                  12,13,15;9:22;10:1,2,                  2;22:22;23:3;33:6,11,                  15;34:10,17;36:15,                  17;38:4,7;45:19;46:5,                  21;51:12,23;52:8,10;                  54:16;55:10;56:11,                  15,18;60:8;99:3;</p>
<b>U</b>				
<p><b>ugly (1)</b>                  112:7</p> <p><b>ultimately (1)</b>                  44:6</p> <p><b>unanimously (1)</b>                  82:12</p> <p><b>uncannily (1)</b>                  103:10</p> <p><b>under (33)</b>                  10:14;14:24;16:2;                  19:8;20:1;26:15;37:3;                  68:21;95:15;96:17;                  100:10;106:6;112:19;                  113:12,16;135:7;                  137:15;141:10;142:9,                  9,18,18,18,22,22;                  143:5,7;153:4,5;                  154:4;157:3;158:22;                  159:2</p> <p><b>underground (1)</b>                  95:20</p> <p><b>underlying (2)</b>                  65:9;88:2</p> <p><b>underneath (3)</b>                  65:4,12;76:18</p> <p><b>Understood (3)</b>                  88:1;161:11,11</p> <p><b>underwater (2)</b></p>	<p>7:18;8:19;10:19;                  11:13,14,21,21;14:10,                  21;15:24;21:5,7,8;                  22:1;25:17,18,21;                  26:8,11,13,19,20,22;                  28:2,19;32:3,15,18,                  24;38:24;39:17,20;                  42:20,24;45:17;50:2;                  55:13;57:14,16;65:8;                  68:14;78:9;83:6;                  84:15,18;85:4;88:19;                  89:17;90:21;92:2,4;                  95:21;97:13,20,21;                  99:11;101:5;104:1,                  21;106:3;112:4;                  127:20;128:17,18;                  130:13,24;133:6;                  135:11;136:8;139:3,                  22;144:10;146:2,16;                  148:22;153:15;                  154:16;156:13;                  159:11,19;162:21;                  165:21;169:21;170:1</p> <p><b>updated (2)</b>                  29:3;74:20</p> <p><b>upheld (1)</b>                  82:12</p> <p><b>uphill (3)</b>                  112:21;113:9,16</p> <p><b>upland (3)</b>                  50:9;57:5,16</p>	<p><b>vales (1)</b>                  43:2</p> <p><b>valid (2)</b>                  60:9;153:11</p> <p><b>various (4)</b>                  29:1;74:7;101:21;                  153:14</p> <p><b>vegetated (2)</b>                  13:5;34:2</p> <p><b>vegetation (3)</b>                  13:6,11;25:4</p> <p><b>vegetative (1)</b>                  57:14</p> <p><b>Ventrano (1)</b>                  70:14</p> <p><b>verification (1)</b>                  158:7</p> <p><b>verified (1)</b>                  157:2</p> <p><b>verify (2)</b>                  95:19;113:5</p> <p><b>versus (5)</b>                  9:2;33:10;34:7;                  39:5;56:16</p> <p><b>Vetrano (1)</b>                  80:1</p> <p><b>video (2)</b>                  97:23;110:5</p> <p><b>view (1)</b>                  57:17</p> <p><b>Village (1)</b>                  18:17</p>	<p><b>wait (1)</b>                  97:1</p> <p><b>waiting (1)</b>                  159:21</p> <p><b>walk (19)</b>                  10:7;13:2,3;25:1,8;                  26:16;27:2;29:8,9;                  40:10;56:2;78:12,12;                  102:16;106:8;109:5;                  113:6;140:10,18</p> <p><b>walked (5)</b>                  8:19,22;33:8;80:2;                  111:17</p> <p><b>walking (1)</b>                  139:23</p> <p><b>wall (1)</b>                  130:16</p> <p><b>walls (1)</b>                  29:12</p> <p><b>Walsh (4)</b>                  89:11;160:17;                  169:14,17</p> <p><b>Walter (6)</b>                  97:2,4;109:3;110:4;                  112:10;170:10</p> <p><b>Walton (3)</b>                  134:5;136:9,11</p> <p><b>WANTMAN (39)</b>                  58:18;91:23,24;                  92:7;93:14,16,21,24;                  94:3;103:24;104:15;                  108:19;109:8;112:16,                  22;113:1,10,12,22;                  114:1,4;127:15,18;                  128:18;129:10,14,17,                  22;130:10;144:16;                  156:18;164:18;                  165:19,20;166:18;                  167:1;170:10;171:8;</p>	

<p>100:22,23;119:1;                  121:19;135:22;                  151:19;152:11,16;                  153:21,22;155:11,12,                  13,13,15;157:18  <b>way (32)</b>                  11:20;15:3;22:4;                  31:6;33:10;34:5,9;                  38:3,6,19,22;39:7,21;                  42:13;56:13;61:11,                  11;80:18;86:11;                  96:14;105:19;120:2,                  14;123:23;124:5,5,8;                  125:17;155:20;                  156:15;161:3;172:9  <b>ways (5)</b>                  28:4;37:21;43:1;                  156:11,12  <b>weather's (1)</b>                  170:6  <b>website (2)</b>                  63:1;72:11  <b>week (8)</b>                  4:11;5:18;55:7;                  61:21;64:23;74:19;                  144:19;167:7  <b>weeks (8)</b>                  75:5;154:18;163:2,                  9;164:22,23;165:3,4  <b>weigh (1)</b>                  167:23  <b>weighing (1)</b>                  168:7  <b>weir (14)</b>                  29:16,20;30:2,20;                  35:17;47:10;51:17;                  53:10;55:2;79:15;                  97:7,12;156:15;157:7  <b>Weiss (144)</b>                  3:9;4:16,17;8:9,23;                  9:3,23;10:3,4,13;                  11:11,12,13,14,15;                  12:12,16,18;13:8,17;                  14:20;16:11,13,22;                  17:4;20:5,21;21:10;                  24:18;25:22,23;26:2,                  7,7;28:8,18;33:15;                  38:23;39:4,15;40:13,                  24;41:7,19;42:2,3;                  43:1,7,12,18,22;                  44:17;45:7;55:18,24;                  56:4;58:15;60:14;                  64:14;65:23;67:17;                  76:17,21;79:13,16;                  80:16,22,23,24;81:18;                  82:14,15,19;83:3,5,                  12;84:21;89:11,20;                  90:5,14;91:9,9;92:10,                  24;93:1,6;94:6,11,17,                  18;95:10;96:2,3,10,                  19,24;97:2,5,10,17;                  98:24;99:6;100:6;                  102:2,9;103:10;</p>	<p>104:11;105:20,22;                  106:22;107:5,11,20,                  23;108:2,12,20;                  109:16,21;110:22,24;                  114:16,23;130:2,17;                  142:15;143:13;                  144:20;145:7,11;                  147:17;160:24;                  162:11;163:2,10;                  165:23;166:16,20,21;                  167:8,20;168:22;                  169:3  <b>Weiss' (9)</b>                  90:23;93:3;98:12;                  99:19;103:15;104:15;                  106:15;112:22;113:3  <b>welcome (2)</b>                  40:5;69:18  <b>well-drained (1)</b>                  107:14  <b>wells (2)</b>                  7:5;68:5  <b>weren't (2)</b>                  17:9;54:22  <b>west (37)</b>                  10:4,13;12:21;                  13:20;16:6,19;18:20;                  33:14;39:15;54:7;                  57:5,13;61:16;92:13,                  21;93:9;94:9,12,19;                  96:8,10;98:15;101:6;                  109:16;111:3,11,21;                  112:1;114:24;134:2,                  13,19;135:2,3;                  144:22;155:16;                  170:18  <b>westerly (17)</b>                  12:9,17,18;13:10;                  57:10;93:7;99:1,6,12;                  102:2;104:10,16;                  105:5,23;109:19;                  114:8,19  <b>western (3)</b>                  89:21;104:9;110:19  <b>wetland (17)</b>                  8:22;11:23;12:2,5,                  6;21:3;23:23;24:10,                  11;49:12;55:20;56:9,                  14;57:10;60:13,23;                  61:9  <b>wetlands (38)</b>                  2:16;20:1;24:4;                  29:22;54:11,14,15;                  67:18;89:17;90:16,                  17,18,19,22;91:1;                  101:9,11;106:10;                  108:22;109:12;112:3;                  128:3;137:20;140:4,                  11,21,23;141:8,24;                  142:10,23;143:7;                  147:3;148:4,9,16,20;                  158:10  <b>what's (19)</b></p>	<p>8:12;10:15;18:14;                  19:14;20:17;41:10;                  50:14;53:1;63:8;90:6;                  107:9;119:6,12;                  120:15;123:2;142:3;                  157:6;158:16;161:2  <b>whatsoever (2)</b>                  58:9;73:15  <b>wheat (2)</b>                  107:13,14  <b>Whenever (2)</b>                  23:17;90:22  <b>Where's (1)</b>                  135:10  <b>Whereupon (1)</b>                  174:14  <b>wherever (2)</b>                  148:9;162:8  <b>White (142)</b>                  6:13,23;7:13,15;                  8:7,21;9:7,15,17,22;                  11:3,6,13,18;12:4,11,                  22;13:1,14,18,20,24;                  16:12;20:13,15;                  21:16,18;22:7,17;                  23:2,5,8,12,17;24:5,8,                  10,21,24;26:5,7;27:9,                  13,22;28:9,14,20;                  29:1;30:12,23;31:2,9,                  15,19;32:12,23;33:5,                  11,20;34:10,14,18;                  35:5,8,11,18;36:4,7,                  20,23;38:12,14;39:6,                  9,22;40:3;41:6,11,14;                  42:10,16;46:3,15;                  47:6,15,18,21,24;                  48:4,15,19;49:16,22;                  51:11;52:1,4,9;53:7,                  15;54:5,10,15,19,24;                  55:8,12,22;56:7,19,                  23;60:12,17,22;                  64:23;65:3,4;66:5,23;                  70:4,7,9;72:1;74:19;                  75:11,21;98:24;                  106:18;108:13;                  115:17,17,18;116:12,                  20,23;117:5,13,16;                  118:3,10;121:13;                  155:10;171:23  <b>White's (2)</b>                  87:18;88:10  <b>whole (7)</b>                  47:7;51:14;145:19;                  147:21;157:8;170:22;                  172:1  <b>who's (3)</b>                  85:8;86:22;156:18  <b>whose (1)</b>                  88:17  <b>William (1)</b>                  115:23  <b>willing (5)</b>                  45:15;145:6,18;</p>	<p>163:5;168:22  <b>Wilson (30)</b>                  84:13,14,14,16,17,                  24;85:12,14,18,24;                  86:5,8,17,21;87:6,14;                  88:1,6,13;123:24;                  131:4,9,17;132:2,6,                  12,24;133:6,10,15  <b>Wilson's (1)</b>                  122:11  <b>wind (3)</b>                  25:4;162:7,8  <b>windy (2)</b>                  161:2;162:12  <b>wings (1)</b>                  86:9  <b>winter (5)</b>                  107:1,13,13;                  116:24;117:7  <b>wintertime (1)</b>                  136:10  <b>within (15)</b>                  44:8;49:5;61:21;                  64:23;74:19;108:6;                  145:5;146:22;148:16;                  149:6,18;157:11;                  161:20;167:13;171:5  <b>without (6)</b>                  95:9;138:10;                  145:19;159:1;164:10;                  166:13  <b>WITNESS (1)</b>                  73:8  <b>witnessed (1)</b>                  144:18  <b>WITTEN (52)</b>                  5:13;46:2,18;47:12,                  16,19,23;48:1,5;                  51:11;52:3,6,12;53:3,                  13,16;61:17;96:1;                  127:24;137:12;                  140:16;141:22;                  142:17;143:17;144:4,                  7,13,15;145:24;146:6,                  11;147:1,12;148:18;                  149:14,23;150:13,15,                  18,23;151:11,15;                  152:2,14,20;154:8;                  155:2;163:12;165:1,                  2;167:20;168:2  <b>Witten's (2)</b>                  117:21;169:1  <b>woman (2)</b>                  133:17;139:24  <b>wonder (1)</b>                  122:23  <b>wondered (1)</b>                  157:22  <b>wonderful (1)</b>                  130:11  <b>wondering (2)</b>                  90:4;91:21  <b>wood (2)</b></p>	<p>29:20;51:17  <b>word (4)</b>                  100:5;130:5,14;                  149:13  <b>words (4)</b>                  48:23,24;97:13;                  119:4  <b>work (27)</b>                  4:12;11:19;21:19,                  23;40:14;48:15,17;                  49:3;58:15;59:8;                  62:12;104:22;105:6;                  107:17;114:7;120:23;                  122:7;147:10;149:18;                  161:3;162:2;163:3;                  164:24;165:6;168:20,                  23;170:23  <b>worked (3)</b>                  29:3;97:2;161:8  <b>working (5)</b>                  50:15;95:12;132:6,                  22;133:2  <b>works (9)</b>                  28:1;95:11;104:19;                  122:4;124:1,1;                  137:20;143:1;165:18  <b>worry (1)</b>                  67:24  <b>worse (2)</b>                  45:24;170:2  <b>worth (1)</b>                  88:23  <b>worthwhile (1)</b>                  55:11  <b>Wow (1)</b>                  89:7  <b>write (1)</b>                  144:10  <b>writing (1)</b>                  133:7  <b>written (2)</b>                  98:13;113:13  <b>wrong (6)</b>                  38:13;41:22;88:17;                  90:15;153:17,18  <b>wrote (1)</b>                  88:8</p>
<b>Y</b>				
				<p><b>yards (1)</b>                  106:18  <b>year (3)</b>                  21:14;95:18;107:24  <b>years (31)</b>                  8:10,15;20:9,18;                  29:18;30:8;38:18,24;                  41:17;50:21;71:1,1;                  73:13;78:16,19;                  89:21;96:9;97:1,3;                  98:7;103:10;111:1,                  15,16;112:2;147:23;                  156:20;157:12;</p>

169:18;171:3,4 <b>yellow (3)</b> 16:9,9,19 <b>Yep (4)</b> 73:7;150:11;155:9; 159:7 <b>yesterday (1)</b> 94:24 <b>yield (1)</b> 44:6 <b>young (1)</b> 165:21	<b>17 (1)</b> 98:7 <b>177-acre (1)</b> 99:2 <b>18 (2)</b> 36:11;62:20 <b>19 (1)</b> 21:18 <b>1930 (1)</b> 19:15 <b>1930s (2)</b> 17:12;19:19 <b>1935 (5)</b> 10:8;11:24;13:5; 39:3,17 <b>1950 (1)</b> 31:11 <b>1950s (4)</b> 20:19;21:16;38:16; 59:8 <b>1960s (3)</b> 21:18;22:9;57:22 <b>1969 (3)</b> 22:23;24:5;57:6 <b>1985 (2)</b> 97:6;98:21 <b>1994 (2)</b> 109:10,10 <b>1999 (1)</b> 105:11	<b>2010 (11)</b> 61:23;81:12,18; 82:11;83:8;90:14; 100:15;103:23;106:8; 146:20;148:3 <b>2011 (2)</b> 98:13;103:15 <b>2012 (4)</b> 90:14;103:18; 146:20;148:3 <b>2013 (2)</b> 63:1;103:18 <b>20s (1)</b> 75:18 <b>21 (1)</b> 36:10 <b>21D (1)</b> 142:20 <b>21E (1)</b> 68:19 <b>21st (2)</b> 82:15;165:1 <b>22nd (2)</b> 81:12,18 <b>23rd (1)</b> 82:11 <b>24 (1)</b> 36:11 <b>24-inch (3)</b> 25:10,11;35:22 <b>25 (5)</b> 9:24;16:15;149:2,9; 156:19 <b>250 (1)</b> 9:23 <b>25-foot (2)</b> 140:10;149:6 <b>25th (1)</b> 2:11 <b>26 (2)</b> 70:13,16 <b>27 (1)</b> 36:11 <b>28th (1)</b> 164:23	<b>4 (8)</b> 33:7,11,13;34:6,10, 12;46:8;51:18 <b>40 (4)</b> 70:17;75:22;76:1; 142:20 <b>44 (2)</b> 123:5;137:15 <b>48 (1)</b> 167:13 <b>4th (10)</b> 165:4,9,18;167:5; 169:4;172:22;173:24; 174:2,11,12
<b>Z</b>			<b>5</b>
<b>zinc (1)</b> 108:5 <b>Zisch (1)</b> 105:2 <b>zone (7)</b> 48:13,16,18,19; 146:23;150:7;161:20 <b>Zoning (2)</b> 83:18,22	<b>2 (2)</b> 47:10;51:16 <b>20 (6)</b> 70:9;71:8,15;75:12, 21;106:17 <b>2000 (6)</b> 24:12;60:16,18; 93:10;95:18;98:17 <b>2000s (3)</b> 24:22;57:20;60:7 <b>2001 (6)</b> 32:4;54:1;60:12,13, 16,20 <b>2002 (1)</b> 97:9 <b>2003 (1)</b> 97:9 <b>2004 (1)</b> 97:6 <b>2005 (3)</b> 54:2;55:19;106:23 <b>2006 (4)</b> 61:23;99:21;108:9; 109:4 <b>2007 (3)</b> 54:2;55:20;99:23 <b>2008 (2)</b> 109:1,17 <b>2009 (2)</b> 102:4;107:24	<b>21D (1)</b> 142:20 <b>21E (1)</b> 68:19 <b>21st (2)</b> 82:15;165:1 <b>22nd (2)</b> 81:12,18 <b>23rd (1)</b> 82:11 <b>24 (1)</b> 36:11 <b>24-inch (3)</b> 25:10,11;35:22 <b>25 (5)</b> 9:24;16:15;149:2,9; 156:19 <b>250 (1)</b> 9:23 <b>25-foot (2)</b> 140:10;149:6 <b>25th (1)</b> 2:11 <b>26 (2)</b> 70:13,16 <b>27 (1)</b> 36:11 <b>28th (1)</b> 164:23	<b>50 (5)</b> 8:15;20:18;75:23; 76:1;171:3 <b>50s (1)</b> 38:11 <b>53 (1)</b> 160:17 <b>53G (2)</b> 123:5;137:15 <b>56 (2)</b> 169:17,18
<b>1</b>	<b>2</b>	<b>3</b>	<b>6</b>
<b>1.5 (1)</b> 139:11 <b>10 (1)</b> 155:3 <b>10.57 (2)</b> 37:3,11 <b>10:17 (1)</b> 174:15 <b>100 (3)</b> 106:9;148:16;171:4 <b>100-foot (2)</b> 146:23;150:7 <b>100-year (1)</b> 74:10 <b>1057.72A-3 (1)</b> 152:4 <b>10th (1)</b> 63:1 <b>11 (1)</b> 112:2 <b>110 (1)</b> 106:11 <b>1200 (2)</b> 10:4,13 <b>13 (1)</b> 112:6 <b>14 (3)</b> 78:7;155:3;159:18 <b>14th (3)</b> 167:17,18,19 <b>15 (2)</b> 96:9;98:1 <b>163.6 (1)</b> 49:2 <b>16th (1)</b> 98:21	<b>2</b>	<b>3</b>	<b>7</b>
		<b>3 (1)</b> 46:8 <b>30 (7)</b> 70:5,6,7;75:22; 76:1;106:17;156:20 <b>30th (1)</b> 32:6 <b>36 (3)</b> 97:1,2,2 <b>36-inch (6)</b> 9:1;10:12;11:6; 33:14,24;34:15	<b>60 (2)</b> 8:15;20:18 <b>69 (1)</b> 24:5
		<b>4</b>	<b>7</b>
			<b>7 (2)</b> 126:5;169:14 <b>7:00 (2)</b> 3:8;172:22 <b>70 (1)</b> 110:6 <b>70s (2)</b> 14:6;24:6 <b>71 (1)</b> 60:22 <b>75 (2)</b> 110:6;173:18 <b>7th (2)</b> 3:8;164:19
			<b>8</b>
			<b>80-page (1)</b> 94:23
			<b>9</b>
			<b>9 (2)</b> 69:21;136:18