



T O W N O F
S T O N E H A M
M A S S A C H U S E T T S
Town Hall
35 Central Street

Stoneham Conservation Commission
781-279-2696

**STONEHAM CONSERVATION COMMISSION
MINUTES OF MEETING
JUNE 28, 2021
REMOTE 7 PM**

Please join meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/391041781>

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Bob Parsons, Ellen McBride, Alex Rozycki, Domenick Cimina, Robert Fotino and Norman L'Esperance

Paul Checca, Stephen Keylor, Silbete, Dinesh, Julianna Bruce, EJ Green, Patty Barr, Faye Harwell, Charles Houghton, Amanda Sherbow, Steven & Linda Cronin

PUBLIC HEARING:

Rear Hillside Ave.

Jim Juliano

Construction of a new single family house with driveway and associated grading in the 100 foot buffer zone. Notice of Intent continued/Request for Determination of Applicability continued.

Ellen McBride recuses herself. Bob Parsons requested drawing with final location of home, with all proposed infrastructure, plantings, trees to be removed, questions raised about how and when was resource area delineated and how it relates to drainage and impact. Plan appears to have hand drawn in trees, we received response from wetland scientist about area of water fluctuations and has some follow up. The reasons for the questions was in August 2016 generally a dry period when plan was established, plan did not respond to what commission has requested. Show where trees will be planted and a more descript response to fluctuation of water limits and how it will impact neighbors. This process has been confusing, tricky and frustrating. Proposed plan was in violation of Stoneham bylaw, and by Town Counsel review found the 25 foot no disturb but still have jurisdiction as a resource area. Isolated wetland versus isolated land subject to flooding, and not a vernal pool. The area is not a vernal pool and not an isolated land subject to flooding as determined by applicant and peer review.

Applicant requested a continuation. Develop a list of remaining questions. No intent to reduce footprint, no additional changes, and provide applicant additional questions that asks impact and trees. Request a more substantive response when water limit is not as reflected in August 2016. Resource area determined, limit of area of water may change. Bob Parsons worries about flooding and is part of Conservation review.

Alex Rozycki outstanding questions has applicant properly delineated water shed, will water be displacing to abutting properties or will they be changing. Dewatering plan of property requested. Condition that it not discharge to wetland. Alex asks about low pressure gas tanks within resource area. Boiler plate talks about pesticides, herbicides, liquids but not specifically propane tank.

Domenick Cimina asks about 25 foot no disturb zone. Interpretation made that 25 foot no disturb does not apply to this as it doesn't include isolated wetlands. Project is before us only because of bylaw. Appeals to superior court.

Norman L'Esperance thinks everything that can be said has been said. Bob Parsons wants more response to our questions. Bob Parsons asks that requested information be sent, due process and due diligence as responsible commission.

Alex Rozycki states the Commission can only rule on what Town Counsel can rule on and has jurisdiction.

Proper inventory of trees with sizes and complete list. Tree removal impacts critical.

Thanks EJ Green for input. Plan was not complete. EJ Green states incompetence in revised plan is troubling, potential for impacts, water flowing to rear is not a good plan. Fall out is left to neighbors.

Paul Checca appreciates what the board has done over the last 4 years. Final request list to include replanting of trees, and where discharge will go. There is no marking that shows distance of house to wetlands. March 1, 2018 plan shown, does not include 25 foot lines. Commission appreciates the information the neighbors have provided and their patience.

Julianna Bruce says 25 foot does apply as stated in bylaw under Wetlands Protection Act without limitation protected. She has been impressed by the amount of time the Conservation Commission has allowed Attorney Juliano. Mr. Parsons has said he will approach Attorney Galvin again to consider.

Charles Houghton appreciates Attorney Galvin reconsideration, there is no discussion about the amount of fill that would be coming in. Intent of bylaw to protect all wetlands, area subject to flooding without wetland still have jurisdiction. Charles Houghton asks now that bylaw has been changed why doesn't it apply to this site now? Bob Parsons did not think it could be made retro and will ask Attorney Galvin again and welcomes Attorney Houghton's input. Fill bylaw exists, plan should specify how much fill will be brought in. Site needs to be designed for what is on site today.

Send Attorney Bruce and Houghton determination of Mary Rimmer's review

Raymie Parker street itself owned by Town questioned, appreciate the Commission's efforts and residents' investment is noted. Bob Parsons replies the Conservation Commission is not jurisdictional to who owns street.

Charles Houghton has stated the Town does not own that street, it is in land court.

EJ Green previous plan showed distance of 14 feet, wetland was estimated at 2450 square feet, now wetland is 2900 square feet and house is coming in closer. Foundation will exacerbate flooding.

Request to Attorney Juliano, expecting a response soon and will provide info to all.

Continue to July 19, 2021 motion made by Alex Rozycki, second Norman L'Esperance. Roll call Bob Parsons, Alex Rozycki, Domenick Cimina, Robert Fotino and Norman L'Esperance 5/0

88 Washington Street

Brett Gonsalves

Notice of Intent for spot repair

Withdrawn without prejudice. Motion to withdraw by Alex Rozycki seconded by Rob Fotino. Roll Call Bob Parsons, Ellen McBride, Alex Rozycki, Domenick Cimina, Robert Fotino and Norman L'Esperance 6/0

DISCUSSION ONLY:

32 Stevens Street

Miguel Portillo

Restoration plan, site visit, wetland specialist plan sent. Will not put pavers, will put clean loam there to plant grass.

Approve plan for 32 Stevens Street restoration as presented by Bob Parsons, seconded by Norman L'Esperance. Roll call Bob Parsons, Ellen McBride, Alex Rozycki, Domenick Cimina, Robert Fotino and Norman L'Esperance 6/0

34 Stevens Street

Silbette Brigido McCatty and Elcio Tiede

Follow up from site visit

Will call Mr. Manuell again, has a plan of what they would like to do. Please submit by July 12, 2021. Will see them again on July 19, 2021.

36 Stevens Street

Dinesh Purni

Follow up from Enforcement Order

Asked to contact wetland scientist, property line unknown. Conservation Commission has jurisdiction within 100 feet and 25 feet no disturb. Need to come up with restoration plan.

Whip Hill

Megan Day

Art in the Park

Continued until July 19, 2021

Garden Club

Jeanne Grieve

Use of Whip Hill for meetings: Thursdays; September 16, October 21, November 18, and December 16, 2021, and April 21, and May 19, 2022

Commission approves dates for Garden Club meetings.

3 Daniel Drive

Joseph Penney

DCR report

No update

2 North Street

Tom Mackay

Bear Hill Golf Course

Discussion of restoring impacted areas and tree plantings.

RMC Site Survey

Alex Rozycki

DPW Conservation survey

Stoneham High School site surveyed as wetland restoration, hydraulic information provided. We are in the queue for Mystic Valley Collaborative, free survey of high school to Doleful Pond. Raymie Parker asks about Buckman Pond on Dapper Darby, Alex Rozycki responds that is upstream. Will be on July agenda for deliverable.

Tree Policy

Ellen McBride/Alex Rozycki

Susan Keeler has met with Dennis Sheehan to remind him of need for Tree Committee.

Wetland Resource Flyer

Jessica Gerke

Approve Meeting Minutes May 10, 2021 motion by Alex Rozycki, seconded by Domenick Cimina Roll Call Bob Parsons, Ellen McBride, Alex Rozycki, Domenick Cimina, Robert Fotino and Norman L'Esperance 6/0

Next Meeting July 19, 2021

Motion to adjourn by Bob Parsons, seconded by Domenick Cimina Roll call

Bob Parsons, Ellen McBride, Alex Rozycki, Domenick Cimina, Robert Fotino and Norman L'Esperance 6/0