



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
REMOTE PARTICIPATION
April 21, 2020
7 PM**

In response to Governor Baker's declaration of a public health emergency and the related Emergency Executive Order dated March 12, 2020, the Conservation Commission shall be meeting remotely until further notice. It is the intention of the board to have a call in for members of the Commission, and have minutes recorded as to who is on the call.

To join from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/220167845>

You can also dial in using your phone. United States: [+1 \(872\) 240-3311](tel:+18722403311)

Access Code: 220-167-845

PUBLIC HEARING:

Ellen McBride opens the meeting reading the following notice to stay decisions until the state of emergency is lifted and for a meeting to be scheduled within 45 days of this.

Please be advised that we, Ellen McBride and Robert Parsons, Co-Chairs of the Stoneham Conservation Commission, acting pursuant to Section 17(b)(v) of Chapter 53 of the Acts of 2020, as a consequence of the state of public health emergency and the emergency Executive Order by Governor Baker on March 12, 2020, do hereby invoke and continue any and all public hearings on any pending applications, permits and appeals to that date which is the first Tuesday (that is not a legal holiday) following the termination of the state of emergency, or such other date prescribed by law, whichever is later. This notice is being published to the general public by posting electronically on the website of the Town of Stoneham and written notice of the same shall be emailed and mailed to all applicants, petitioners and appellants and other persons who have specifically requested to be given written notice.

Ellen McBride asks for discussion from the Conservation Committee pursuant to her conversation with Attorney Robert Galvin.

Rob Fotino is willing to put off meetings.

Jessica Gerke asks whose decision is the end date. The state legislature/governor?

Ellen McBride replies yes. Ellen McBride comments that site visits are needed to approve projects and if we follow the Governor's order to stay home this makes site visits difficult. Ellen McBride mentions abutters rights to be involved.

Alex Rozycki comments that we may miss an opportunity for projects that might be better without the public. Perhaps we should take as they come up as we may be in the same spot this summer or in September. We may need to be flexible. Ellen McBride mentions the priority is safety and we can assess the urgency.

Bob Parsons says we should follow best practices and go on a case by case basis.

Charlie Houghton says he has ready Chapter 53 of 2020 and it allows Commissions to continue to date uncertain in the future or they anticipate virtual meetings with date certain. 310CMR has no permit for Conservation according to Mr. Houghton. Charlie Houghton does not think the Governor has prohibited

anyone going for a walk. Charlie Houghton does agree with the Governor's decisions so far. He mentions that the Commission does not need to visit all together.

Bob Parsons mentions that site walks are considered public meetings and we do not want to exceed the limit. Alex Rozycki is not intending to meet in public spaces for months. He mentions every project is different. Ellen McBride says Charlie Houghton is doing his job well representing his clients but her job is to protect herself and public safety when the Governor says to stay home.

Charlie Houghton says we shouldn't misinterpret stay at home advisory and asks what harm there is continuing to a set date.

Bob Parsons makes a motion to adopt draft notice above, Rob Fotino seconds it. Roll call vote Jessica Gerke, Ellen McBride, Bob Parsons and Rob Fotino vote yes, Alex Rozycki abstains.

Notice will be posted on website and all applicants notified by email.

11 South Marble

Adrian Poci

The regulation of the flow of water in backyard, in and out of the channel, by replacing the old pipe and extending it along the entire length of the channel. Notice of Intent Continued. Stay motion by Alex Rozycki, seconded by Bob Parsons. Roll call Jessica Gerke, Bob Parsons, Rob Fotino, Alex Rozycki and Ellen McBride all vote yes.

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. Paul Checca neighbor on call. Ellen McBride says there has not been any developments. She did visit site to see if she could hear peepers or bullfrogs and did not. Paul Checca say debris has been picked up from windy days, water level is high. Ellen McBride took pictures of the water. Motion to continue stay until after emergency stay at home order made by Bob Parsons and seconded by Alex Rozycki. Roll call Jessica Gerke, Bob Parsons, Alex Rozycki, Rob Fotino and Ellen McBride all vote yes.

MWRA

MWRA Section 89 Pipeline Replacement

Stantec- Lori Benoit

Notice of Intent

Gina Bretton Stantec and Patrick Barrett MWRA are present.

\$25 Million replacement pipeline Section 89. Have been waiting 9 years. Possibility of July/August start.

Coordinating with other town commissions. Winchester took site visits and issued OOC. Woburn delayed until 5/21/20. Hold bid date to July. As project maintenance value Conservation Commission input on wetlands and want to be good neighbors.

Ellen McBride mentions hearing 5/11/20 for MWRA and 7 Birch Street.

Bob Parsons is ok with case by case basis and asks if folks could look at sites individually. Coordinate thru Conservation office. MWRA has been before us before.

Alex Rozycki offers to mark up plans to not hold MWRA up.

Patrick Barrett replies May 11 is reasonable. 3 year construction period starting at Friendly's in Stoneham to Woburn to Winchester then Stoneham Bear Hill Tank by Fallon Rd. 3rd phase by North Border Rd to Spot Pond of multi year project.

Alex Rozycki makes a motion to continue until 5/11/20 so that site is seen and questions are ready, seconded by Bob Parsons. Roll call yes vote from Jessica Gerke, Rob Fotino, Alex Rozycki, Bob Parsons and Ellen McBride.

Patrick Barrett says to contact Gina Bretton at Stantec to answer questions. Bob Parsons asks that all contact Jen DeCourcy to clear their site visit timing and submit report. In response to Alex Rozycki request for a concise document Patrick Barrett responds that it is a 10,000 foot project with 3 areas of concern. Gillis pump 48" pipe riverfront, North Border Rd in buffer zone, and Fallon Rd by Mave Apartments cuts across Park Street to wetlands. 24" pipe abandoned in place.

Patrick Barrett mentions MWRA is working in full capacity, Commission says to say hi to Fred.

7 Birch St

Charles Houghton

Notice of Intent

Motion made Bob Parsons to continue until 5/11/20 with site visit cleared thru Jen DeCourcy and Charlie Houghton coordinating Jack Sullivan as engineer, Alex Rozycki seconds. Roll call Rob Fotino, Jessica Gerke, Alex Rozycki, Bob Parsons, and Ellen McBride yes.

EXTENSIONS

Birch St

Charles Houghton

#297-0385 Request for Extension

Charlie Houghton asks for 1 year extension, but will take 2 years. Alex Rozycki makes a motion to continue OOC #297-0385 for 2 years until 5/17/22. Bob Parsons seconded. Roll Call Rob Fotino, Jessica Gerke, Alex Rozycki, Bob Parsons and Ellen McBride yes.

Eversource Montvale Ave and Elm

Epsilon David Klinch

#297-0386 Request for Extension

David Klinch from Eversource which was NStar Woburn/Wakefield project. Stoneham begins work this year, could be in the coming month. Mike Zylick from Eversource says the project hasn't changed. Culvert Montvale Ave will be replaced by the Town, funded by Eversource. Dave Klinch asks for a 2 year extension. Bob Parsons double checks that the Town is proceeding with the work.

Bob Parsons makes a motion to extend #297-0386 to 5/17/22, seconded by Rob Fotino. Roll call Jessica Gerke, Alex Rozycki, Rob Fotino, Bob Parsons and Ellen McBride yes.

DISCUSSION ONLY:

2 North Street

Bear Hill Golf Course

Discussion of restoring impacted areas and tree plantings continued.

Ellen McBride comments that Jen DeCourcy spoke to Tom Mackay about spray. Ellen McBride called Heidi Davis at DEP and will send DEP enforcement officer. Letter was sent reminding them no movement within 200 feet of Sweetwater Brook without restoration plan. Neighbors are watching.

Alex Rozycki says it needs a restoration plan because the pond was clear cut. Alex Rozycki makes a motion to continue to 5/11/20 agenda, Bob Parsons seconds. Roll call Jessica Gerke, Rob Fotino, Ellen McBride, Alex Rozycki and Bob Parsons vote yes.

30 Carol Street

Michael and Kim Crowley

Letter sent discussing environmental protections. Site conditions were concerning, told to fix soil and conditions so it wouldn't get into wetlands. Bob Parsons mentions a site visit and due diligence to protect resource area and prevent erosion. Area has been stabilized.

3 Daniel Drive

Joseph W. Penney

Enforcement order for removal of trees in wetlands

Trees removal at property 4/14/20 by chipper Dennis Weber. Near Doleful Pond within 100 feet of wetlands and DCR property. Enforcement order served 4/15/20. Restoration plan needed with DCR input. Every inch of tree removed needs to be replaced. Trees removed were 2 to 3 feet in diameter.

Joe Penney said trees were hazardous, some already were down, he needed to clean up and move away from his property so they wouldn't land on fence or cars. The moved in 30 years ago and everything is hanging over their property. Trees have fallen down from storms. Dennis Weber did cleanup to get stuff out, old barley trees. Ellen McBride explains we will have to collaborate with state.

Joe Penney has not heard from DCR. Mr Penney says it is scary to have rotten trees, strangled by vines, uncomfortable with poison ivy and thorns growing up.

Ellen McBride says we will be in touch when the Ranger responds for next steps on restoration plan.

Permit for Tree Removal

Ellen McBride

Discussion of bylaw or policy for permit for tree removal.

Ellen McBride would like to consider adding to Town Meeting in October a bylaw for sign off from Conservation for tree removal. States too often we find out after the fact. Ellen McBride mentions there is not a long delay for building permit signoffs. Bob Parson asks is it for jurisdictional trees? Ellen McBride responds all trees. Alex Rozycki asks if the town has the bandwidth? Bob Parsons asks if other communities have this bylaw? Ellen McBride responds that Somerville and Brookline do, it is up to each town. Ellen McBride does not want to be obstructionist, she will look into what other towns have.

Bob Parsons mentions jurisdictional should file anyway, town shade covered under statue.

Ellen McBride says private trees are in question, and will see how other towns have made it palatable.

Jen DeCourcy mentions there is a fee for all permits within Town Hall.

Alex Rozycki doesn't believe they have it in Reading. Believes if the Town is ready it's a great idea.

Approve Meeting Minutes March 31, 2020

Motion made by Bob Parsons to approve, seconded by Alex Rozycki. Roll call Rob Fotino, Bob Parsons, Alex Rozycki, Jessica Gerke and Ellen McBride vote yes.

Next Meetings May 11, 2020 and tbd

Motion to adjourn Bob Parsons, seconded by Alex Rozycki. Roll call Rob Fotino, Bob Parsons, Alex Rozycki, Jessica Gerke and Ellen McBride vote yes.