



**TOWN OF
STONEHAM**
MASSACHUSETTS 02180

Conservation Commission
(781) 279-2696
jdecourcy@stoneham-ma.gov

**STONEHAM CONSERVATION COMMISSION
MINUTES OF MEETING
August 5 2024 Virtual 7 PM**

Please join meeting from your computer, tablet or smartphone.

<https://meet.goto.com/276348173>

Phone Access Code: 276-348-173 US: +1 (872) 240-3412

Jessica Gerke, Domenick Cimina, Jeremy Zasowski, Megan Day, Rich Kirby, Brett Gonsalves, Joe Peznola, Martin Wantman, Ian Gasco-Wiggin, Alex Zenkov, Robert Galvin

Motion to open meeting by Domenick Cimina, seconded by Megan Day roll call Domenick Cimina, Jeremy Zasowski, Jessica Gerke and Megan Day yes 4/0

LEC UPDATES

Ellen Rd

Aleksandr Zenkov

Site visit review by LEC

Rich Kirby wetland scientist reports he went to property to determine if there are wetlands on or near property. Neighboring property had wetland area shown on property map. 50/50 plant community-facultative wetlands more red maple, oaks, black raspberry and buckthorns. Ground cover mostly Virginia creeper.

Identified plants on subject property, canopy trees, Norway Maple, Hickory, Oak, Red Maple, Black Cherry, Black Birch, Ash, Virginia creeper, lawn- primarily upland.

Upland plants never grow in wetlands, some plants are 50/50, not a wetland plant community. Slight topographic depression.

Looked at soils, dug 3 holes and consistently observed natural soil profile despite removal of top layer. Gravelly loam topsoil, weathered subsoil, no other indicators of wetlands hydrology. Refusal at 12-14 inches due to boulders.

If Alex Zenkov wants to put in a patio down the road, suggested to submit a RDA with Mass GIS aerial. Current rocks have been distributed away from fence line as of this morning.

Alex Zenkov states not labeled as a wetland.

Rich Kirby states plan of record from neighbor is based on methods of delineation at that time many years ago. GIS does not always show wetlands. No official registry of wetlands, just laws to protect them.

Homeowner is responsible to determine if they have wetlands.

Jess Gerke can't say for certain if other property has wetlands, it doesn't appear to be on Mr. Zenkov's property but he would be jurisdictional and no effect to wetlands would have to be demonstrated, as well as outside the 25 foot do not disturb. RDA would be requested which requires abutter and paper notification.

Alex Zenkov asks about smoothing out ground, Rich Kirby responds to use aerial representation to show Commission.

Rich Kirby asks about how many bags of soil being delivered and raked out, adding more than 2 inches of soil changes grade and tree roots.

Mr. Zenkov talks about low lying area leveling soil to fill in ditch and then gravel then soil then grass seed.

Rich Kirby says he doesn't need to put down gravel.

Megan Day says he will need to file a RDA for whatever work he needs to do because he is adjacent to a resource area.



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Veterans Lane

Update from Rich Kirby site visit

Site visit wetlands has restored nicely, one area at outfall is washed out and needs to be repaired and gravel removed. Sapling tree and shrub casualties and don't warrant replanting. Sunlight promoting ground cover growth.

Brett Gonsalves agrees productive meeting. Discussed repairs on left side of outlet that washed out. End of September/October would be best time. Need track machine, pull back gravel, bring in large stones and rebuild edge that washed out.

Jessica Gerke states work was impressive.

Weiss Farm

July report from David Cowell pending. Pump update Ian Gasco-Wiggin.

Jessica Gerke says July report was received today. Pump and level of water discussion. DEP not at meeting. Ian Gasco-Wiggin set floats per permit, reached required levels. 159.6 as of today.

Rich Kirby was on site today, water level is 160 as pump wasn't on. Elevation at 160 wetland had a lot of water and was 6 inches below tennis courts on Gerald Road.

Jessica Gerke has concern that level was too low when it reached 159.5. Rich Kirby and Domenick Cimina viewed site earlier Monday. When wetland was established and delineated pump was turned off. Reflective of hydrology with pump in place.

Hydrology present is different types of wetlands, Joe Peznola is project permitting engineer in attendance. Wetland delineated 10 years ago when pump was turned off, hydrology takes years to change. Since delineation function hasn't been functional so there's been more water and expanding wetland ecologically. Legal wetland boundary in place from permit. Open water wetlands, emergent marsh wetlands, scrub shrub wetlands, forested wetlands, generally speaking hydrology lower in landscape. Cat tail native plant and aggressive, doesn't offer diversity. Scrub shrub transitioning to forest wetlands along edges. If pump is going to function according to Superseding order what will happen is there won't be open water emergent marsh dominating, will instead have opportunistic wetland shrubs. Are we adversely affecting wetland? Pump back to how it was when it was delineated for this project. Will lose some cattail, get more woody plants and trees not emergent marsh wetland.

Joe Penzola Hancock Associates mentions conversation with James White of HW Moore who was engineer of record 2014-2015 permitting and established 159.5 from wetland drying up. Without the pump the Franklin St culvert flow restricted. 18 inch pipe runs uphill. Sunset culvert through wetlands is at 160.7. There was nothing in Jim's recollection around 159.5 low point. 2015 existing topographic conditions wetlands at 161, peripherals into marsh and scrub shrub wetlands it doesn't mean the water was standing there, water table was within 12 inches. Pump was replaced in 2011, functional until 2014, don't have info on how often it ran. Very limited data on wet weather pumping, dry summer, balancing of compliance with comprehensive permit and order of conditions and what's in the best interest of the wetland system.

Domenick Cimina comments Rich Kirby relayed his fears of damaging wetland. Would like to clarify elevation. Domenick Cimina thinks level 159.5 now is acceptable, thinks higher than 160 will aggrieve Mr. Wantman. Sustaining wetland and one aggrieved abutter should be addressed.

Martin Wantman states tennis court is 163. Major discrepancy in elevations. Drainage report with elevations in Mr. Wantman's possession. Rich Kirby says topographic data may be different.



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Megan Day asks what DEP has to say, asked them to attend meeting and they are unresponsive. Rich Kirby comments there is a call scheduled Thursday that Jill Provencal will participate in. Ian Gasco-Wiggin responds it is a closed meeting between Conservation Commission, Town, DEP and Hancock. Chairs are on invite, Rich Kirby comments about not having quorum from Conservation Commission.

Domenick Cimina says if level is at 160, 3 inches below pavement. Would like to see DEP adjust water level to satisfy 159.5 and 160 doesn't allow storage area for flooding. Pump would turn on sooner. Viable wetland at 159.5 per Rich Kirby. Should satisfy the one aggrieved abutter.

Jessica Gerke pump in place to maintain historical hydrology, is one of the other purposes of the pump to alleviate flooding of abutters? Is it proving to not be the optimal solution will be brought up Thursday.

Does permit show 160.5 and 159.5 asks Domenick Cimina? Ian Gasco-Wiggin says yes. Domenick Cimina states too high. Megan Day asks if there would need to be a refile? Rich Kirby says Jill Provencal is reviewing permits in preparation for Thursday's call.

Domenick Cimina says walked Weiss Farm, things look good on site. Rich Kirby said erosion controls and adjacent wetlands and buffer zones are being protected. Street sweeper had just finished on site today.

Martin Wantman Weiss farm storm water pump station operation and maintenance plan: water elevation of 160.5 or higher pump should be inspected on daily basis. Pump station turned on at 159.5. Pump is enclosed, construction people bored holes in tube 5 and 6 feet lower. No water in culvert going to Sunset. 376 linear feet about ditch, approved as 6.5 lot subdivision, now underwater. Previously hay for the cows. Property rights, 1947 land court document, doesn't mention wetlands, 3 easements, water flows to Weiss ditches on to Martin Wantman's property. Pump needs to pump water off wetlands. A few inches matters, water needs to be pumped off.

DISCUSSION

Whip Hill

Update from Subcommittee- Contracts. Review conservation definition. Fence proposals. Garden Club 8/8/24 9am-1pm meeting. Emergency tree removal 7/26/24, tree trimming 7/30/24.

Megan Day subcommittee met to incorporate small changes, final contract for caretakers. 2 week window to sign. Trust them but urgency to have caretaker contracts setup. Motion to approve contracts for Jim Previte and AJ Jamgochian by Megan Day, seconded by Domenick Cimina. Roll call yes 4/0 Megan Day, Domenick Cimina, Jeremy Zasowski and Jessica Gerke. Contracts will be sent out.

Conservation definition at property. Jessica Gerke reads Bob Galvin's email with definition: For Whip Hill Park and Manor, the phrase "conservation and related purposes" shall mean purposes normally or otherwise reasonably associated with the existing use of land, including the preservation or protection of the natural or built environment on the property, allows passive recreational use of the land, community use including the preservation or protection of the physical, ecological, cultural or historical characteristics of land against undesirable change or human activity so that the property's integrity, including the buildings and structures, are properly preserved and maintained.



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Bob Galvin open space, conservation and preservation of structure amended to protect rights of improvement and maintenance of property for respectful community uses.

Domenick Cimina asks about original agreement with trust.

Bob Galvin toured Whip Hill and has better appreciation of property.

Jessica Gerke comments subcommittee wrote original use of property.

Domenick Cimina says use is not defined as it relates to Conservation. He wants it to be precise.

Bob Galvin thinks it makes sense to keep it broad, phrases are open space, conservation and passive recreation.

Jeremy Zasowki asks for examples of passive recreation. Bob Galvin responds walking trails, hiking, nonmotorized, cross country skiing, nature walk, educational observation of plant species and animal life.

Jeremy Zasowski asks about school groups, or camping on site by boy scouts?

Bob Galvin says judgement call. Rockland has parcel that allows boy scouts camping on property, defined area of campfires. Camping as a general proposition goes beyond passive use. Fires would be difficult if in a remote area of property.

Jessica Gerke states uses of property will be bounded by current property and use guidelines would be in effect.

Passive recreation uses per Bob Galvin includes activities like picnicking, nature photography, hiking, walking, bird watching, cross country skiing.

Megan Day says guidelines say its dusk to dawn. House is grayer area, broader use to small groups. You leave property as you found it. Megan Day said this should be a wildlife center robust with activities.

Recreation is a conservation purpose, Town Counsel articulates what that means. This is keeping in with will and trust.

Domenick Cimina is afraid we are straying from original intent of property, recreation may not be considered conservation, doesn't want to jeopardize trust by using property not according to original intent.

Jessica Gerke by utilizing Town Counsel we are legally sound.

Domenick Cimina asks if Bob Galvin has talked to bank? Bob Galvin states their duty is fiduciary only, were allowed to have caretaker and reasonable use of manor that is not inconsistent with intention. Uses of property now, open space, conservation and recreation purposes are consistent with original gift.

Domenick Cimina asks if this should be run by Trustees? Bob Galvin says they don't have a say in how the land is used, their job is to invest money wisely. They have the ability to stop funding and then it will be on the Town.

Jeremy Zasowski thinks additional discussion about community use line would be helpful to better understand use of property. Gardens, patio, place around property, use of house needs to understand what is culturally and historically relevant. Bob Galvin says santa at whip hill is cultural and community that doesn't adversely impact. Meetings from Town, horticultural societies, are all worthwhile uses.

Can breakdown inside use. Patio areas and property can be broken down. Need to keep it broad for uses for the future. Open space, conservation and passive recreational use should cover it. Bob Galvin can breakdown property to manor, caretakers' residence, property outside manor, larger property.

Megan Day says guidelines for use can be recirculated. Megan Day felt definition of conservation was gap. Idea of guidelines was to let folks know how Conservation decides which events appropriate. Megan Day mentions dissolving subcommittee as we move on. Bank Mellon as Trustees per Jessica Gerke, dispersion from Bank of America. Will revisit use and conservation definition at next meeting.

Jessica Gerke reviews 3 fence proposals. Reliable Fence selected motioned by Jeremy Zasowski seconded by Megan Day Roll call Jeremy Zasowski, Jessica Gerke, Megan Day and Domenick Cimina yes 4/0.



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Garden club meeting approved. Jessica Gerke addresses Jeremy Zasowski's question about improving garden space by saying it will likely be a future project, that we may need grants for, maintenance of space.

Megan Day suggests capital projects, we have architect going through to plan requests from Town. New roof upcoming, overdue for Town property analysis.

Emergency tree removal noted as well as tree trimming in conjunction with DPW. Jessica Gerke notes quarterly reports that will list maintenance and upcoming maintenance.

Matters not anticipated

Approve Meeting Minutes from July 8, 2024

Motion to approve minutes by Domenick Cimina seconded by Jeremy Zasowski roll call yes 4/0 Jessica Gerke, Megan Day, Domenick Cimina, Jeremy Zasowski

Next Meeting August 26, 2024

Motion to adjourn by Domenick Cimina seconded by Jeremy Zasowski Roll call 4/0 yes Megan Day, Jessica Gerke, Domenick Cimina and Jeremy Zasowski