



TOWN OF
STONEHAM
MASSACHUSETTS 02180

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

STONEHAM CONSERVATION COMMISSION
MINUTES OF MEETING
October 28 2024 Virtual 7 PM

Please join meeting from your computer, tablet or smartphone.

<https://meet.goto.com/771561485>

Phone Access Code: 771-561-485 United States: [+1 \(872\) 240-3412](tel:+18722403412)

Jessica Gerke, Richard Jackson, Domenick Cimina, Megan Day, Jeremy Zasowski, Rich Kirby, Pam Dickinson, Amy Conroy, David Gomes, David Henig, Paul DeAndrade, Dan Bailey, Bob Galvin, Diane Naquin, Ian Gasco-Wiggin

Motion to begin public hearing by Domenick Cimina seconded by Jeremy Zasowski Roll call yes 5/0
Jessica Gerke, Richard Jackson, Domenick Cimina, Megan Day, Jeremy Zasowski

PUBLIC HEARING

CERTIFICATE OF COMPLIANCE

Veterans Lane #297-0407

Brett Gonsalves

Requests a certificate of compliance. Withdrawn without prejudice.

58 Elm St #297-81

Amy Conroy

Requests a certificate of compliance for Lot 1, now 62-64 Elm St.

Silvia and Thomas Trump are the children of the property builders in 1989, took property from Barbara Park Realty Trust with 3 lots. Hayes Engineering letter reflecting summary of surveyor's evaluation, not as built plans. Selling 2 family condominium. Motion to close the public hearing and issue a certificate of compliance by Jeremy Zasowski seconded by Megan Day. Roll call yes 5/0 Jessica Gerke, Richard Jackson, Domenick Cimina, Megan Day, Jeremy Zasowski

DISCUSSION

Brookmeadows 131 Franklin St.

Paul DeAndrade

Runoff to stream. Vegetation near wetlands and brook.

Pam Dickinson, Diane Naquin, Janet Jones, David Gomes and are trustees. Paul DeAndrade is property manager for Brookmeadows Condominium.

Clear vegetation and invasive vines so property manager replaced with native species. Paving project meanwhile has berm parallel to brook replaced. Precipitation and water accumulated and management was asked to cut berm so water could flow from parking spaces, added gravel to shore of brook to contain water flow. Domenick Cimina asked to meet, when he was there Domenick Cimina found issues of impact crater and berm cut seen. Put stone in areas to contain water. Paul DeAndrade didn't understand engineer request.



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Jessica Gerke asks if there was berm in parking area? Paul DeAndrade answers half of area was berm, extra berm was added. Water was pooling per David Gomes, old parking lot water went to storm drain and then brook, so cut berm so water would flow into brook. Jessica Gerke asks where storm drain is located.

Two main drains across parking lot parallel to Franklin Street. Pipe runs length and storm drain in front of 135 Franklin, second is in the back by 2 buildings and high school fields. All the water flows into those 2 storm drains.

Domenick Cimina says the pipe that goes into brook is creating a bowl from four feet in the air 8 feet out. Put small crushed stone, engineer would mitigate flow to not create disturbance in middle of the brook. Perhaps heavier stones to disperse flow. Curb cut not allowed, parking lot needs to be graded correctly. Bark mulch was washing down banking. Expecting a plan to correct issues and current situation is not adequate. Paul DeAndrade asks if the problem is material flowing into brook. Curb needs to be put back in and drained to catch basin.

RL Goldman pulled permits for parking lot according to Paul DeAndrade. Domenick Cimina comments no hay bales or silt fencing when parking lot was done. Domenick Cimina says disturbance in brook area. Curbing needs to be reestablished. Parking lot repaving created issues, it needs to be regraded. David Gomes says change is water in brook is dry. Curbing needs to be reestablished. Site visit to determine if notice of intent is necessary. Friday 11/1/24 9am Brookmeadows.

Weiss Farm

September Environmental monitor report. Rich Kirby update. Enforcement order for condition 33.

Rich Kirby erosion control monitoring slideshow, contractor Sean has list of replacements needed and silt sacks catch basins worn out and should be replaced before winter. Water levels are low. Arthur Bennett's property remains the same. Wetland water levels are low.

Jessica Gerke states discussion of stockpile in question, vegetated berm that is 10+ feet in height.

Developer says outside permitted area of work. Portion inside has been removed, remainder of stockpile outside approved limits of work. FOC #33 states all existing soil on project site, does that mean within limit of work or entire property?

Domenick Cimina says DEP is not going to support the Conservation contention that the wetlands protection act has been violated, field change made today via Town Counsel. One single item special condition is specific to that pile and there is no intention of touching pile. Project limits should be to property line. Hay bale line has been moved closer to property, hay bale line work should be done. Our purpose is to listen to Rich Kirby and Bob Galvin.

Megan Day states we are putting ourselves in a position where developer is bound by superseding order. DEP is the authority. No violation taking place per DEP, puts developer in middle, doesn't disagree with merits but to comply with enforcement order need to go against DEP, not a great legal position. Stockpile is being disregarded per Domenick Cimina. Waiver to work in 25 foot no disturb zone.

Megan Day states DEP is authority on property. DEP does not believe it's a violation.

Domenick Cimina thinks DEP should explain why this is acceptable.

Dan Bailey states the commission did lose control of this, FOC after adjudicatory hearing. DEP has been responsive in email saying Jill Provencal has been on the site, reviewed plans and approved. Plans indicated the stockpile that was not going to be removed. Corcoran is going to follow DEP. If an enforcement order is issued DEP will dismiss it.

Domenick Cimina states we monitor every month, we are the authority in Stoneham. Rich Kirby is there monthly. DEP should explain why this is not a violation of the Wetland Protection Act.



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Dan Bailey states this is a stockpile in close proximity to wetlands. Pile has been there for a very long time. Removing the pile would cause more impact to wetlands. Dan Bailey does not believe the commission has authority.

Bob Galvin agrees the Commission has a right to decide, aspects of FOC Conservation Commission has input, ultimately DEP will decide if this is valid or not. Attorney Galvin wrote a letter to Jill Provencal and received a telephone call from Attorney Heidi Zisch that stated DEP was satisfied with sketch plan. Today was described as a field change from DEP. Condition 33 does call for all soil existing piles on project site, and show how materials will be removed. DEP has no intention of requiring anything more, ultimately DEP has no intention of finding a violation or making Corcoran do anything else. DEP is likely to say everything they have is sufficient.

Domenick Cimina said plan has nothing to do with identifying existing site plans, those are proposed stockpiles. Plan, removal and replication of area is in condition 33. DEP issued SOOC information supplied by applicant. Negligent if all information wasn't supplied.

Megan Day asks how this works if we are not the authority on the project? Are we opening ourselves up to legal action?

Bob Galvin shares screen of plan from August exchange. What shows in red have been removed, what is left is steep pile.

Domenick Cimina states red area has not been removed, to touch pile would need to be sloped back. Haybale line is 10-15 feet high.

Rich Kirby states there is a stockpile, there is a reference to removal of stockpiles on FOC and DEP is the authority on project. Stakes are observable to mark erosion control boundaries. Actual haybale line is shown in white. Fill pile has been there a long time, has trees growing and is robust. Some of the area in red has been removed.

Domenick Cimina said bottom of slope corresponds to stakes. The retaining wall was stopped, thought they might be removing but doesn't appear to be the case. DEP has chosen not to enforce condition 33 and that is what put applicant in the middle.

Jessica Gerke is disappointed by the interpretation by DEP but submitting the enforcement order may not be effective to get the why from DEP.

Domenick Cimina has asked for Jill Provencal to respond. Domenick Cimina states it is our job to hold accountable.

Dan Bailey asks what is the environmental benefit of removing stock pile? Domenick Cimina answers area is for flood storage, violation of Wetland Protection Act by filling a wetland. Pile redefines wetland line.

Megan Day asks what happens next. Attorney Galvin thinks it should be issued by a majority vote.

Domenick Cimina asks if field change procedure to notify and involve Conservation Commission.

Bob Galvin has never heard term field change until today but did know that they were satisfied by stockpile submission.

Megan Day says DEP may need to explain themselves, Corcoran has the same information we have, what's happening on property is on DEP not the Conservation Commission. Megan Day believes we lost local control and what happens on the property is DEP's responsibility.

Domenick Cimina says developer is not abiding by order of conditions.

Ian Gasco-Wiggin had site walk as requirement of SOOC with DEP, Rich Kirby, Conservation Commission, everything was approved as visibly viewed. Construction for 8 months then concerns about stockpile, reviewed onsite, was discussed and DEP ruled on compliance.

Domenick Cimina states stockpile was not identified. Ian Gasco-Wiggin says topography was on plan.

Motion to issue enforcement order Weiss Farm Apartment LLC made by Domenick Cimina and seconded by Richard Jackson Domenick Cimina, Richard Jackson, Jeremy Zasowski yes 3/2 no Megan Day, Jessica Gerke



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Robert Galvin says enforcement order issued via mail and to Dan Bailey. Under FOC under Act and not local bylaw.

Whip Hill

Santa at Whip Hill Sat. Dec. 14 and Sun. Dec. 15: 2-5pm

Recap 300th Anniversary event. Nice to have event at Whip Hill. Some concern from AJ Jamogchian about if it fits into Conservation model.

Leash and pet pickup signage requests. Middlesex fells and DCR has a be kind signage that may be an option.

Minutes from Subcommittee meeting 9/9/24. Motion to approve Megan Day seconded by Jeremy Zasowski Roll call yes 5/0 Jessica Gerke, Richard Jackson, Domenick Cimina, Megan Day, Jeremy Zasowski

Document review: guidelines use, maintenance request form, maintenance log.

Jessica Gerke states Guidelines for Use talk about which groups allowed and maybe we should include types of events. Meetings of membership, free or not for profit limited enrollment classes, which activities best fit space. Would small \$500 plate fundraiser be ok?

Domenick Cimina suggests voting on case by case basis. Confusion over how use approved, guidelines include vote of commission.

Jeremy Zasowski thinks most likely to occur events should be discussed. Guidelines versus what comes to a vote, can the garden club have a birthday party? Outdoor groups, activities that support the purpose of the group, give framework to encourage types of usage. As Town building Town group could use per Jessica Gerke. Characteristics were looking to protect- physical (natural), ecological, historical, cultural per Jeremy Zasowski. Fundraising or celebratory event doesn't fit categories.

Maintenance request form and maintenance log should include caretakers in conversation. Scope and frequency unknown per Jeremy Zasowski. Ease of access to logs doesn't exist. Help facilitate planning and future expenses. Jessica Gerke will include and email caretakers for input.

Commission Quorum

Discuss requesting change to 5 members.

Email select board to request change. Continue to encourage new members through newsletter and newspaper. Reach of newspaper questioned. Jeremy Zasowski saw posting on town website. Send alternate voting parameters to Commission.

Matters not anticipated

Approve Meeting Minutes from September 30, 2024

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

Next Meeting November 18, 2024

Motion to adjourn Domenick Cimina seconded by Richard Jackson yes 5/0 roll call Jessica Gerke, Richard Jackson, Domenick Cimina, Megan Day, Jeremy Zasowski