



TOWN OF
STONEHAM
MASSACHUSETTS
Town Hall
35 Central Street

Stoneham Conservation Commission
781-279-2696

STONEHAM CONSERVATION COMMISSION
MINUTES OF MEETING
JANUARY 4, 2021
REMOTE 7 PM

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7:01pm start

Bob Parsons, Alex Rozycki, Ellen McBride, Rob Fotino, Dominic Cimina, Megan Day

Attendees: Jim and Sue Dresser, Raymie Parker, Julianna Bruce, Paul Checca, Adrian Poci, Amanda Sherbow, Julie Checca, Leah Basbanes, Gary Litchfield Jim Juliano, EJ Green. Matt Shirley (neighbor opposed)

PUBLIC HEARING:

Alex Rozycki moves to move Rear Hillside first, Bob Fotino seconds.

Roll call 5/0 yes Bob Parsons, Alex Rozycki, Bob Fotino, Dominic Cimina and Megan Day

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

Mr. Parsons said plans that were forwarded showed culvert from adjacent street and 2 roads that bookend 11 South marble property and seemed to be as built drawings.

Dr. Poci has contacted Westland Management Mr. Bill Manuell from Danvers has visited and is coming January 8th at 9am for appointment for him to visit on site and prepare a plan for Conservation Commission to restore vegetation. Previous intention for channel and culvert cannot move forward. Will restore vegetation and forward plan.

Ellen McBride thanks Dr. Poci and asks if someone on company is wetland scientist. It is from the list we provided him.

Notice of Intent rescinded, Ellen McBride asks Dr. Poci to submit in writing. Dr Poci will submit restoration plan. Motion to continue to January 25, 2021 by Ellen McBride, seconded Dominic Cimina. Roll call 6/0 yes Bob Parsons, Alex Rozycki, Ellen McBride, Rob Fotino, Dominic Cimina, Megan Day

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.

Attorney Bob Galvin Town Counsel Stoneham reviewed bylaw and regulations as it relates to no touch area within 25 feet as locally vs state defined wetland, and comment on Mary Rimmer's review consultation. Looked at wetland bylaw and regulations and the language of the bylaw that has a continuous strip untouched and undisturbed adjacent to and as identified in wetlands protection act. No person shall remove fill dredge alter dredge or build upon strip. Definition only state defined wetland regulations, Attorney Juliano is correct in that the area is not subject to the no touch area regulation. In this isolated wetland, the SCC can't apply the 25-foot non disturbance area but can regulate area in buffer zone. Mary Rimmer's comments are relevant so that the work as proposed can meet requirements of the state WPA Mitigation of impacts needs to be understood. Prospect of vernal pool difficult to determine in winter. Will need to look for wildlife in March-May timeframe. State regulations and local bylaw would apply. There is significance as isolated wetland area not a state resource area. Bylaw change in spring is intended. Regulatory taking unlikely, in 29 years Attorney Galvin hasn't seen regulatory taking as viable use of property proven and open space is viable.

Alex Rozycki asks if this is a jurisdictional area under local bylaw and enforce no buffer zone. Robert Galvin indicated that the non-disturbance area doesn't apply under current bylaw, can regulate conditions or deny if applicant hasn't mitigated properly. Jurisdictional resource area under local bylaw, no touch within 25 feet not possible. Parsons mentions will be treated as local resource area but 25 feet is not included. Vernal pool response from Leah Basbanes today appreciated, may wait for spring to determine. James Juliano would like to answer all Conservation Commission questions. Gary Litchfield offers May 1-May 30 review with Leah Basbanes and Mary Rimmer determination of vernal pool. Will forward Ms. Basbanes response to Ms. Rimmer Parsons mentions shift to ZBA and Planning Board shift from Conservation Commission, James Juliano mentions covid factor. Julianna Bruce counsel for abutters agrees with Attorney Galvin about regulatory taking, but does not agree with do not disturb zone application. The intent of all the statues of regulations and bylaws are to be inclusive, crossover of definitions and statues are synonymous. Jurisdiction to protect freshwater and lands subject to 25 foot no disturb. Attorney Galvin difficult to determine nonstrip adjacent as identified in act. Bob Parsons mentions intent was to protect defined resource both state and local. Welcomes Attorney Bruce's input. Attorney Bruce to send email. Paul Checca 4 Ivy Rd if there is going to be a vernal pool study requests markings remarked. Gary Litchfield wouldn't require remarking for vernal pool, but if necessary to restake house after will do. Paul Checca is looking for clear outline of house/plan. Gary Litchfield will restake after vernal pool issue is resolved. Bob Parsons original site layout may have changed, need to insure corners are staked correctly. Continued until March, but with January 25, 2020 meeting as next meeting continued to. Leah Basbanes requests flexibility to work with Ms. Rimmer on date flexibility for vernal pool. Motion to continue made by Alex Rozycki and seconded by Dominic Cimina. Roll call yes Bob Parsons, Megan Day, Rob Fotino, Dominic Cimina, and Alex Rozycki 5/0

DISCUSSION ONLY:

2 North Street

Bear Hill Golf Course

Discussion of restoring impacted areas and tree plantings.

Continuing until spring.

3 Daniel Drive

Joseph Penney

DCR report

Continuing until next meeting. Ellen McBride will follow up with DCR.

Whip Hill

Jim Previte

Ellen McBride will contact Dennis Sheehan to communicate plan and make determinations of part time agent and tree warden.

Bob Parsons says bylaw regulation, isolated wetlands are included but want to make bylaw high level and the regulations more specific. Alex Rozycki asks if tree language removal and fines for public and Conservation trees. Bob Parsons says we should fix gap in bylaw for this spring and then double back on regulations.

Ellen McBride thinks tree warden/Conservation agent could tackle tree project.

Bob Parsons thinks Conservation agent could head off issues instead of us tackling during the meeting.

Approve Meeting Minutes December 14, 2020

Ellen McBride motion to approve, Dominic Cimina seconded. Roll call yes 5/0 Ellen McBride, Dominic Cimina, Alex Rozycki, Bob Parsons and Rob Fotino. Megan Day abstains because she was not present.

Next Meeting January 25, 2021

Why is upper parking lot excluded? Jim Previte can be asked.

Motion to adjourn by Ellen McBride, seconded by Megan Day. Roll call yes Ellen McBride, Megan Day, Alex Rozycki, Bob Parsons, and Rob Fotino 5/0 Dominic Cimina had left the meeting.