



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**  
**MAY 10, 2021**  
**REMOTE 7 PM**

**Please join meeting from your computer, tablet or smartphone.**

<https://global.gotomeeting.com/join/351690061>

**You can also dial in using your phone.**

United States: [+1 \(646\) 749-3112](tel:+16467493112) Access Code: 351-690-061

Attendees: Ellen McBride, Bob Parsons, Alex Rozycki, Jessica Gerke, Rob Fotino, Norman L'Esperance, Raymie Parker, Patty Barr, Stephen Keylor, Barbara Goldberg, Nancy Brigido, Steven Cronin, James Juliano, Mike Miranda, Amanda Sherbow, Matt Shirley, EJ Green, Val, Gary Litchfield, Elaine Kalil, Charles Houghton, Julie Checca, George Seibold

**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 updates assessment of resource area for vernal pool status. Rimmer Environmental was hired for peer review to assess site with Leah Basbanes. Inspections were done, Rimmer report filed. Pictures sent today were forwarded to analyst, it does not change determination of not being a vernal pool. 25 foot no disturb does not apply to project because an isolated wetland is not jurisdictional.

Resource area is jurisdictional as 100 foot, but 25 foot does not apply.

Attorney Juliano does want time to absorb report, April 6, 15 and 29 were site visits by Rimmer and Basbanes.

Would like to close at next hearing. He asks if there is anything else the commission would like to see?

Mr. Parsons would like to know what else should be in the drawings, where the edge of the BVW/water is reflected on the drawing. Water issue is a concern.

Alex Rozycki would like to relook at drawing and look at storm water contained on site, criteria for design storm. Don't want to create problems for others and have wetlands migrate.

EJ Green asked for context of how often digging and putting concrete 10 feet away from resource area. Mr. Parsons responds in agreement this is unique. Decision is made with conditions.

Nancy McCafferty signed affidavit about paper road being maintained that states ownership role is not Towns. Mr. Parsons and Attorney Juliano respond its town property owned by Town of Stoneham.

Alex Rozycki asked about private infiltration system on Town owned road. Through subdivision control laws, engineer and Town would approve drainage and roadway. Planning Board asked property owner as condition to improve and maintain public way.

ZBA was for house not roadway, were not granted variances.

Mr. Parsons would like to see smaller house, considerations for less impactful construction has already been considered.

Infiltration system questioned by Alex Rozycki. Overflow into isolated wetland, is that considered an outfall.

Mr. Parsons does not think it is an outfall. Intention to infiltrate water before it gets to resource area.

DPW has made comments.

Paul Checca 4 Ivy Rd markings for tree removals are gone. Could trees be remarked? How would wetlands be replaced? Bob Parsons asks Mr. Juliano about trees. Mr. Juliano said trees that will be removed will be remarked. Alex Rozycki asks if the trees can be added to the plan as well. Letter to Commission read into record (reference email 5/10/21)

Raymie Parker 42 Bonad Rd asks about paper road. She lives next to a paper street, is it Town owned property? As a resident does not agree with project. Mr. Parsons says Town has taken ownership as a paper street and has gone through Planning Board. Attorney Juliano did send notice to Town as they own the strip.

Has deed been read that allows property owner to have access asked by Alex Rozycki. Chain of title and ownership that road is accepted as any public way in Town stated by James Juliano. Alex Rozycki says it should be confirmed by Planning Board, stated in deed, stated who has access should be stated on deed. James Juliano says it's a public street that is unimproved.

Charles Houghton represents Emily Rotondi and who owns the street is up for debate, it is undetermined. The land court case will determine who owns that strip or roadway. Mr. Parsons asks if confirming ownership of the public way, Charles Houghton says it does not appear to be a public way. Bob Parsons asks if it is moving on a parallel track. Charles Houghton says it is separate and independent.

Danielle Sheehan abutter to property 16 Aricia Lane asks if roadway needs to be determined first? Bob Parsons answers they can be parallel. Resource area is Conservation concern. Ms. Sheehan asks if criteria is being altered, why this is before Conservation. Mr. Parsons answers it is jurisdictional to Conservation Commission as resource areas are typically jurisdictional to state, but as an isolated wetland area is not jurisdictional to state, only to bylaw in Stoneham. Language in bylaw that referenced state resource areas does not apply, but is jurisdictional as resource area. Ms. Sheehan has experienced flooding, looking for guarantee that abutters won't be impacted. Mr. Parsons says there is not a guarantee but we create conditions and we are interested in protecting wetlands and understand residents' concerns.

Matt Shirley 3 Hillside Avenue, street floods every time it rains. Wildlife, abutters and deviations from town bylaws and setbacks should indicate this project should not move forward.

Patty Barr 19 Hillside Ave wildlife all around, 1996 moved in, water comes in basement. Cell tower years ago, doesn't totally understand so neighbors investigated. Rallied residents and referenced cell tower leaving St. Patrick's cemetery, quiet neighborhood with trees gone is going to have a huge impact. Bob Parsons comments that Commission has gone to great lengths to truly understand and insure thorough process.

Nancy McCafferty 9 Hillside lives across from paper street. Sizing of infiltration system for 25 years. Storm water management guidelines standard will be met.

Julianna Bruce counsel for abutters. Memo referenced. Juliano asked for a copy of memo as well. Question of whether Town owns the road. Commissioners ask her to speak louder. Attorney Bruce believes bylaw does apply to wetland. Isolated land subject to flooding should protect wildlife and other wetland values. Development should not have cumulative detrimental effect on resource areas. Failure to provide evidence that the project will not have a detrimental effect. Permit with conditions everyone loses, developer loses money, abutters lose because project is built, buyer has wet basement and lawsuit, wetlands are demolished. The Conservation Commission has authority to deny within areas of jurisdiction with reasoned analysis and conclusion that it will have negative effect on the wetland value.

Raymie Parker comments that board is all volunteers and residents that are not attorneys.

Opposed to project, neighbor, flooding, loss of trees, Kristin Keene 26 Hillside Ave.

Ownership of road decision based on property being public way, an appeal could take a year. Conditions would be based on being a public way per Mr. Juliano.

Motion to continue public hearing to June 7, 2021 made by Alex Rozycki seconded by Rob Fotino. Roll Call Bob Parsons, Alex Rozycki, Jessica Gerke, Rob Fotino, Norman L'Esperance 5/0

### **1 Tom's Way**

*George Seibold*

Notice of Intent

Motion to issue Order of Conditions pending issued DEP number by Ellen McBride seconded by Norman L'Esperance. Roll Call Ellen McBride, Bob Parsons, Alex Rozycki, Jessica Gerke, Rob Fotino, Norman L'Esperance 6/0

### **7 Aspen Lane**

*Barbara Goldberg*

Request for Determination of Applicability for Tree Removal near wetlands

Guidance to removing trees in the wetland offered by DEP. Alex Rozycki would like to refine Stoneham policy. Please add to June 7, 2021 meeting.

Plot of land from Building department. Incorrect scale was used by applicant, map incorrect. All trees are in wetlands. Ellen McBride asks for site visit. Safety concerns. Plans will be sent to office. Monday May 17<sup>th</sup> at 5:30pm. Motion to continue to June 7, 2021 by Alex Rozycki, seconded by Bob Parsons. Roll call Ellen McBride, Bob Parsons, Alex Rozycki, Jessica Gerke, Rob Fotino, Norman L'Esperance 6/0

## **DISCUSSION ONLY:**

### **11 Birch St**

*Charles Houghton*

Plan for backyard for 9 Birch St.

Mr. Houghton proposes wall and landscape work outside the 25 foot no disturb. This is middle house and is jurisdictional. 7 Birch done separately. All 3 lots have orders of conditions. Wall and basin are new since Notice of Intent. Bob Parsons says it appears to be basin to protect resource areas. Nothing happening between BVW and 25 foot area. Alex Rozycki says there may be engineering questions, not Conservation, grades are discussed. Charles Houghton will send email with narrative of what is happening. Note: following meeting square represented on meeting was error.

### **97 High St**

*Shannon Fortin*

Questions about pond cleanup

Will attend June 7, 2021

### **32 Stevens Street/34 Stevens Street**

*Miguel A Portillo and Silbette Brigido McCatty and Elcio Tiede*

Enforcement Orders for work in wetlands

Wetlands Protection Act violations, looking for plan of what they are trying to do in the yard.

34 Stevens Street Nanty Brigido has plan of what she would like to do, would like to put fence and shed in yard. Property had been surveyed. Owner to send copy to office with plans. Site visit Monday May 17<sup>th</sup> 6pm. A lot of water when rain comes towards house, mosquitos are an issue. Used to have trash in wetlands. 32 Stevens Street has 4 children Eliane Kalil and apologizes and will work with us. Neither resident knew about wetlands restrictions on their properties.

## **Whip Hill**

*Jim Previte*

No update on caretaker.

## **2 North Street**

Bear Hill Golf Course

*Tom Mackay*

Discussion of restoring impacted areas and tree plantings.

Wetland restoration plan native saplings and shrubs ordered thru Northeast Nursery but they don't have it.

Wetlands restoration nursery arrived 5/6/21 thru LEC Rich Kirby and were planted today 5/10/21. Everything from restoration plan has been planted. Site visit Monday May 17, 2021 at 5:50pm lower parking lot. Repair work will be discussed for bridge walkway. Will be asking for repair plan from Bear Hill.

## **3 Daniel Drive**

*Joseph Penney*

DCR report

No update.

Tree plan policy- inch for inch replacement. Dennis Sheehan needs to reappoint chair of Tree Committee, no tree warden presently. Public tree policy when taken down must be replaced inch for inch, fund established. DEP regulations unknown. Reading tree policy discussed by Alex Rozycki, public shade tree allocation per inch dollar value to tree fund. Trees and shrub replacement are part of bylaw as 2 to 1 policy, for every tree removed 2 trees/shrubs need to be planted. Ellen McBride asks Alex Rozycki to send tree policy to office for distribution. 2 shrubs count for one tree. Ellen McBride mentions putting conditions as policy. Alex Rozycki states we may not want to get into banking, Alex Rozycki thinks shrubs need to go onto site not allocation. Bob Parsons mentions tree bylaw, jurisdictional with wetlands, sometimes public shade trees are within wetlands. Tree bylaw should be kept in mind. Removed 29 trees and replace 25 trees. Within wetlands is Conservation's discussion.

Susan Keeler may be willing to talk about tree policies. Saplings were planted on Oak Street.

## **Approve Meeting Minutes April 12, 2021**

Motion to approve minutes by Alex Rozycki seconded by Bob Parsons

Roll call Ellen McBride, Bob Parsons, Alex Rozycki, Jessica Gerke, Rob Fotino, Norman L'Esperance 6/0

## **Next Meeting June 7, 2021**

Motion to adjourn by Norman L'Esperance seconded by Bob Parsons

Roll call Ellen McBride, Bob Parsons, Alex Rozycki, Jessica Gerke, Rob Fotino, Norman L'Esperance 6/0