

Conservation Commission Public Hearing Minutes – August 29, 2019

Time: 7:30 PM – 9:38 PM

Members Present: Tom Ruskin, Chair; Toni Bandrowicz, Vice-Chair; Jonathan Grabowski, Colleen Hitchcock, Monica Lagerquist, A. Randall Hughes, Alternate

Members Absent: Jennifer Simon Lento; Monica Tamborini; Laura Spathanas (Selectmen Liaison)

Location: Room B-129, Swampscott High School

The public hearing of the Conservation Commission was called to order at 7:30 p.m.

The public hearing was video recorded.

Chair of the Commission, Tom Ruskin, gave a brief introduction.

1. Meeting Minutes – July 8th, 2019

Motion: C. Hitchcock to approve the minutes from July 8, 2019. Seconded by J. Grabowski; unanimously approved.

2. DEP #71-86 - Manson Road Certificate of Compliance

This is an old OOC that has lapsed and the work was not initiated. The property was recently approved for a new OOC. The Conservation Commission has a COC which, if approved, will be recorded to show that the old OOC is no longer valid.

Motion: T. Bandrowicz approve the Certificate of Compliance for DEP 71-86, essentially issuing an invalidation for the previous OOC. Seconded by J. Grabowski; unanimously approved.

3. Notice of Intent: DEP #017-0321, Eastman Avenue

Chair Ruskin noted that this application had been continued from the July 8th meeting in order to provide opportunity for public comment, since the original meeting was held the same night as the Planning Board's discussion of the subdivision request.

Greg Hochmuth, engineer, gave a brief presentation on the project. The property owner, Gerardo Raffaele, and Nick Meninno were also present. There are two house lots proposed. One lot in which a small portion of the house and grading take place in the 100-foot buffer zone, and the other in which almost all of the work takes place in the buffer zone. There are proposed stormwater systems – one underneath the new area of roadway and smaller units for each of the houses – to capture and disperse runoff. The back of the lots are primarily ledge that drop to a BVW boundary, however they do not anticipate any impact on the BVW. They are proposing erosion controls during construction until all areas are stabilized.

T. Bandrowicz asked the applicant to explain the stormwater management proposal. Mr. Hochmuth noted that a subdivision with 4 or fewer lots does not need to comply with stormwater management

standards, however the applicant has chosen to comply and has provided a stormwater management reports. The subsurface system in the new roadway will ultimately decrease and redirect runoff, but not enough to impact the wetlands. The system's emergency outlet is a proposed discharge at the rear of the properties. The runoff from the rooftops of each building will also be directed to subsurface infiltration systems.

T. Bandrowicz noted that the future homeowner(s) will need to take over long term management of the systems. Mr. Hochmuth concurred, and an HOA will be set up to maintain these features and the Town will not be responsible. Ongoing maintenance includes cleaning out catch basin, which is done with a vacuum truck. T. Bandrowicz suggested that this be put into the OOC as an ongoing condition.

T. Bandrowicz asked about the erosion controls along the BVW and noted the site is quite steep. She asked how close the construction line comes to the BVW. Mr. Hochmuth replied that the closest point is 15 feet, and the reason the line comes close is to keep the slope at a 3:1 grade, which is more stable. Once it is graded it shouldn't need to be touched. They are proposing a loam and seed mix.

M. Lagerquist asked how often the oil/water separator would get cleaned out. Mr. Hochmuth responded about twice a year or as needed. Since this isn't a typical subdivision there shouldn't be a lot of sediment.

T. Ruskin opened the floor to public comment.

Steve and Emily Dariotis, abutters at 132 Eastman Avenue, had some questions about the project. Will the applicant be removing all rocks and soil? Will all the trees be removed? Mr. Mennino replied that they will need to excavate to remove some of the debris that was dumped on site, then structure fill up to the bottom of the footing. The limits of the work noted on the plans is the clearing area. The intention is to landscape the property and add new trees. Any vegetation located along the perimeter and the wetland area they would like to keep.

Mr. Dariotis asked about the new street curve and whether it was to accommodate the houses or the vehicles. Mr. Mennino responded it was both. The Fire Department and DPW needed turnaround space, which will allow emergency and larger vehicles the ability to maneuver at the end of the road which they can't do now, and the curve improved frontage for two new homes.

Mr. Dariotis asked why types of homes. Mr. Raffaele responded that architecture had not been finalized but would be in keeping with the neighborhood.

T. Bandrowicz asked about stockpiling. Mr. Mennino stated all work will be inside the erosion control line. Some materials will need to be disposed off site, and some will be reworked on site. There is not enough room to stockpile long-term on site.

Motion: C. Hitchcock to close the public hearing. Seconded by M. Lagerquist; unanimously approved.

Motion: T. Bandrowicz to issue an Order of Conditions with the Commission's standard general conditions and with special includes, to include: a requirement for all construction and post construction be conducted in accordance with the stormwater report; that all maintenance be performed as set forth in the stormwater report and that the HOA or its designee shall implement the long term operations and maintenance plan as a continuing condition; timing for loam and seed after final grading; provision for

stabilized removal and disposal of all erosion controls; a requirement that the HOA notify Town DPW when cleaning of systems has occurred; and a pre-construction site visit.

Seconded by A.R. Hughes; unanimously approved.

4. Notice of Intent – DEP #071-0322, Swampscott Rail Trail

T. Ruskin introduced the item and the Commission's third party consultant, Bill Jones from Linden Engineering. Mr. Jones' charge is to review the filing, plans, and information for conformance with the requirements of the WPA and regulations, and render those findings to the Commission and the applicant. There will be items to respond to, and most likely additional information as a result.

Marzie Galazka, Director of Community and Economic Development, introduced the design team from LEC Environmental and Stantec. The Town gave the team the instructions to: 1) ensure design fully complied with the WPA; 2) ensure the design does not interfere with utility infrastructure; and 3) ensure design does not create any new environmental impacts to adjacent neighbors. *[NOTE: the full statement is attached to these minutes]*.

The design team includes Andrea Kendall of LEC Environmental, Aleece D'Onofrio of Stantec, and THIRD GUY.

Andrea of LEC Environmental gave a presentation on the project. The subset of the trail in this segment is approximately 3800 linear feet (0.7 miles) from Lexington Circle to Humphrey Street. Much of the area is densely covered, and the middle school area includes existing asphalt and lawn. There are a series of wetland systems, including: BVW area to the north and a pond on the south side of the corridor that discharges through an intermittent stream. There are no rare species or priority habitats, and no potential or certified vernal pools within the work area. (Note: certified vernal pools are documented to contain specific species of amphibians). The proposal is to install a ten-foot-wide uniform width stone dust trail, with an 8 inch layer of gravel topped by 4 inches of stabilized stone dust. The trail will be graded to a 1.5% pitch, with vegetated shoulders. There will be some clearing of vegetation to accommodate grading, however the goal is to maintain as wide a vegetated buffer as possible between the trail and adjacent residential property. Tree protection and fencing will be implemented during construction, and select encroachments along the trail will be removed. New wood rail fencing will be installed in certain sections. A box culvert is proposed for the intermittent stream crossing. The spur trail to the existing footpath through Tedesco property will be maintained. Within the school property, there will be barriers at the end of the vegetated hillside slope to separate the trail from the parking area, and pavement in that area will be removed to become stone dust. Standard safety measures will be installed at each driveway crossing.

T. Bandrowicz asked for more description about the box culvert to be installed and the intermittent stream. Andrea explained that the plan is to excavate and existing substrate of the stream, install the box and place material back into the box, then supplement with riverstone to stabilize the material. The pond currently discharges at one point across the trail and down the slope on the north side. The intent is to create a better stabilized stream channel underneath the culvert.

T. Bandrowicz asked if the reason that the water currently exits out of the pond (commonly known as Muskrat Pond) is because of pond capacity. Andrea said yes.

Andrea explained that the wetland discharges into the intermittent stream which dissipates and likely infiltrates into the ground. The goal is to maintain and maximize the vegetated buffer between the proposed trail and the abutters, so the trail was shifted further north and hugs the wetland line. This means the grading will impact some of the bank. The intent is to relocate the stream and recreate it for that length in terms of width and holding capacity, including any vegetation.

T. Bandrowicz asked if any thought was given to expanding the stream to provide more flood control. Andrea responded that there are limitations with the width, but there is a new drainage channel proposed along the length that will bring runoff north and capture runoff from Tedesco property and direct it offsite into woodland area. The quantification of impact is provided in the application – approximately 586 linear feet of bank will be temporarily altered and then recreated to comply with the performance standards. Andrea explained that proposed erosion control include silk sacks, silk curtains, sandbags, and other measure if the stream is flowing during construction.

Resource areas within the project include: Bordering Vegetated Wetlands (BVW) and the corresponding buffer zone, and an intermittent stream.

T. Bandrowicz asked about the equipment that would be used during construction. Aleece D'Onofrio from Stantec responded that typically dump trucks and back hoes are used, however in areas where access is limited they will adjust. They are working with National Grid to figure out construction.

T. Ruskin open the public hearing and noted that the Commission's consultant does not have his report ready for tonight so the Commission will not be issuing a decision and the matter will be continued. However, the Commission is interested in hearing from the public tonight.

Mark Greenman, 868 Humphrey Street, asked how a dump truck would get down a pathway without disturbing soil. Aleece responded that some narrow areas might need to be accessed from both sides (access points at middle school or Humphrey street), and perhaps with a bobcat as opposed to a truck.

Paul Dwyer, 25 Neighborhood Road, asked how the design was supposed to prevent problems especially since there are major flooding concerns and incidents. Aleece responded that the design team tried to balance neighborhood concerns with trail placement, and while the project will not solve all the flooding issues, the goal is not to increase any issues. Mr. Dwyer also asked why the trail couldn't be done over the existing path on the Tedesco property. Aleece responded that the trail needs to be accessible by ADA standards. T. Ruskin asked for Mr. Dwyer to provide images to the Commission of flooding near his property.

Julie Surette, 79 Nason Road, echoed Mr. Dwyer's suggestion to use the existing Tedesco path instead of creating a new trail. She also noted there is a lot of ledge and is concerned about blasting. Aleece responded that there will likely be blasting in other areas of the trail, but not here.

Peter Hasak, Tedesco Country Club, asked about the box culvert and expressed concerns about more water flowing onto Tedesco property. Aleece responded that the goal is no more negative effects, and the static level of the pond should remain the same.

Nina Cook, representing Mass Electric/National Grid, introduced her colleagues Socrates Perillo, Josh Holden, Steve Cole, and Faith Hassel. National Grid has concerns about the following: 1) the current design for this area does not relocate any poles but relocates stream area to where poles are; and 2) although no poles are planned to be moved in this area, they might need to be moved in other sections which could necessitate movement here. They would like to maintain pole heights, guide wires, and anchors and maintain the accessibility to the trail for maintenance. National Grid has the ability to clear out and drive along to maintain their infrastructure; with the path put in, it may restrict movement. They also have concerns about the lack of stormwater data and want to know more about the impacts. They will submit their comments in writing.

Sheila Jay, 25 Lexington Circle, asked about the reuse of soil along the trail and whether or not testing will be done. Aleece responded that they will be doing a full cut and fill analysis with soil testing. Any unexpected contaminants would be addressed by the contractor, as laid out in their contract agreement.

Bill Bochnak, 89 Nason Road, asked for clarification about the stream and potential affects on the neighboring properties. Andrea clarified that the stream is not on the south side, only on the north side away from abutters.

Brian Tierney, 91 Nason Road, expressed concerns about where water will flow once path is added as flooding currently occurs. Andrea stated the same drainage patterns will continue. Mr. Tierney also asked about how the wetlands were marked. Andrea explained the two delineation times, in the late fall and growing season, used to determine wetland boundaries. T. Ruskin noted that the Commission is also concerned about not making any flooding worse.

Mr. Dwyer asked about any easement takings through residential properties to construct the path. Aleece responded that the construction access points would not go through private property.

Ms. Surette asked for clarification on how the proposal will move the stream channel away from her property with ledge involved; Aleece responded that they can provide a more detailed written response on that item.

T. Ruskin asked for anyone submitting comments in writing to get them to the Commission and their consultant within a week.

MOTION: by M. Lagerquist to continue the NOI to October 3rd. Seconded by C. Hitchcock; unanimously approved.

MOTION: by C. Hitchcock to end the meeting. Seconded by A.R Hughes; unanimously approved.

Good evening – My name is Marzie Galazka, and I am the Director of the Swampscott Department of Community and Economic Development.

I am here tonight together with the representatives of the design team engaged by the Town to design the rail trail, including Aleece D'Onofrio and Joe Rubino from Stantec Engineering, and Andrea Kendall from LEC Environmental.

LEC Environmental prepared the Notice of Intent and is overseeing compliance of all environmental requirements, including the Wetlands Protection Act, relating to the construction of the trail.

We are before the Conservation Commission tonight with a Notice of Intent under the Wetlands Protection Act relating to the construction of those portions of the Swampscott rail trail within the Conservation Commission jurisdiction.

While the final design of the trail continues – including ongoing meetings with neighbors and ongoing discussion with National Grid – as it relates to the portions of the trail within Conservation Commission jurisdiction, at this point we do not anticipate any material changes.

A critical component of the design process is to ensure that construction of the trail does not interfere with the core mission of the corridor as a utility corridor providing the transmission of electricity to Swampscott residents.

We have had numerous meetings with National Grid and have committed to continue working with National Grid to ensure that all meaningful feedback from National Grid relating to how the design of the trail might impact the utility transmission lines – be incorporated into the final construction plans. That is an ongoing process. We note, however, that the portion of the trail before the Conservation Commission tonight does NOT include any portion where any existing utility poles are relocated or impacted.

Construction of the trail is anticipated to proceed in phases with the portions from the Middle School to Humphrey Street and the Middle School to Walker Road anticipated to be constructed sooner. We do not intend to start construction until we are comfortable that any reasonable comments from National Grid and other neighbors are incorporated in the final plans.

The Town's instructions to its design professionals has been clear – ensure that the design fully-complies with the requirements of the Wetland Protection Act, does not interfere with the utility infrastructure in the corridor and does not in any way create any new negative environmental impacts to adjacent neighbors.

This past August the Conservation Commission conducted a site visit. In addition to members of the Conservation Commission, also in attendance was the Conservation Commission's peer reviewing, representatives from the Town, Stantec and LEC. The purpose of the site walk was to complete a visual inspection of the jurisdictional areas and to provide the Commission and peer reviewer with a chance to confirm information provided by LEC in the Town's Notice of Intent.

The Notice of Intent relates to work limited section of the trail. Despite it representing only a small portion of the trail, the Town understands that it needs to be completed with extraordinary sensitivity in order to minimize adverse impacts.

The Town has also taken it upon itself to reach out to potentially impacted neighbors inviting them to meet with the Town to discuss the NOI and any questions or comments.

In addition to the required formal legal notice which was mailed to neighbors as required by the Wetlands Protection Act. I personally sent letters to each of the neighbors to provide them additional advance notice of tonight's public meeting, to provide them information on where they could access the Notice of Intent, and to invite them to reach out to me to discuss any question or comments.

Separately a copy of the Notice of Intent, including full-size copies of the plans, were provided directly to National Grid and Tedesco Golf Course.

The Town appreciates your diligence in reviewing the Notice of Intent. The town and our design team stand ready to respond to any questions, comments, concerns and even plan revisions suggested by the Commission and its peer consultant. The Town is committed to getting this right and welcomes all feedback intended to achieve this result.

Thank you.