



**Town of Abington**  
OFFICE OF  
**CONSERVATION COMMISSION**  
500 GLINIEWICZ WAY  
ABINGTON, MASSACHUSETTS 02351

Minutes  
April 13, 2010

**Members Present:** Alex Bezanson, Chairman, Chris Kane, Hal Norton, Nathan Elliott, Dick Yardley

7:00 p.m. Old and new business.

Activity noted on **202 Colonel Hunt Drive**. Motion to issue a cease and desist of all activity on the property until any and all permits are obtained made by Hal, seconded by Chris, unanimous.

**Abington Woods, 212 Bedford Street** access road brought up. Board asked that Alex speak with Michael Kiley, to see if pipe can be reset under access roadway that is causing water issues.

**92 and 96 Central Street** brought up. During the past heavy rains, water is flooding the front of the two properties and crosses the street. Board will contact Kenan Connell and see if he has any suggestions on how to fix it. If it's going to cost anything, maybe it could be included in the next Highway grant. Alex and Nathan will take a look at the files (84-331 and 84-353).

**Continued hearing, NOI, filed by Atty. John Tara for the Estate of Michael W. Pohorecky, 16 Cottage Street, Brockton, for the proposed construction of a single family dwelling, septic system, driveway and associated grading within the 100 ft. buffer zones of the bordering vegetated wetlands on a portion of Lot 3, Chestnut Street.** Ted Lyzenga, ET Engineering – agreed to have the Board hire a botanist to review flagging and give applicant bill. Board will contact Brooke Monroe and board will go out when she does it. Azu wants to be there. Hal didn't think there was much difference between wetlands and what was in the driveway area towards Hancock Street. Hearing to be continued for 30 days (May 11, 2010). Nancy will call Brooke Monroe (508-746-2386).

**Continued hearing, ANRAD, filed by Mike Lyons, SMTM, LLC, 71 Putnam Street, Needham, to determine delineation on Hancock Street, Map 57, Lot 1.** Mike Loins of Bertin Engineering gave recap. Property did not go to auction. Property actually goes into Weymouth and Holbrook also. They are only looking at the Abington section. There is a wetlands G series of flags, A series and Q series. There is a hundred foot inner riparian zone and outer 200' riparian zone. There is an area of wetlands on the lower end of Jackson Lane. The owners are looking at an assisted living complex. There are 9.28 acres of upland. Will probably have to do crossing file for emergency access lane with replication. Hal and Jim went out to site as far as river, but they didn't check flags. Alex's suggestion would be to get another

botanist out there to review such an involved site. Board would like to continue to May 11th. Board will contact Mike Loins when walk is scheduled with Brooke Monroe. Board is concerned with G, A and Q flags only on the easterly side of perennial stream. If the applicant is going to go beyond that area, he would have to come back. Motion by Nathan to continue the hearing to May 11<sup>th</sup> and have Brooke go out and examine G, A and Q flags, with applicant paying the fee, seconded by Hal, unanimous. Mike is not available the week of April 19-25<sup>th</sup>.

**Request for partial Certificate of Compliance on #84-407, Dorsey Street and Continued hearing, #84-436, NOI, filed by James Kourafas, Century Land Sales, Ltd., for the proposed construction of a paved road where there is an unconstructed private way to provide access to a residential subdivision on Dorsey Street.** Alex - Hal brought up at last meeting that the Board can't issue two Orders of Condition on the same thing. The request for a partial certificate of compliance will comply with everything they have done at this point, but what's remaining on that Order of Conditions will be done in the new Notice of Intent. They were going to put the wetlands back in the road, but the new NOI shows them paving the road and replicating the wetlands. That is the only thing outstanding from the old NOI. They have to get rid of the old Order of Conditions before they can issue a new one.

Dick chaired this hearing, and Alex stepped down from the table. Mr. Holmgren, Holmgren Engineering – they are requesting a partial Certificate of Compliance before the Commission can issue a new Order of Conditions. The reason they are proceeding in this manner is that the first Order of Conditions did not have a place contiguous to the property to replicate the wetlands. Utilities are in and arrangements have been made to replicate on Kelly property, which is adjacent to the wetlands. Issuing the partial certificate and by combining everything that was in the first order and proposing the second Order, which is paving, and when paving is completed to the Board's satisfaction, they can request a Certificate of Compliance on both Orders. He felt that everything that the board requested has been provided. They have copy of the agreement with Mr. Kelly.

Dick and Hal doubted there were provisions for Partial Certificate of Compliance. Mr. Holmgren – in the interest of the project, this can be done. Nathan – can they call DEP to make sure this is ok? The project has to be finished, drainage has to be working to alleviate the abutters' problems. Mr. Holmgren – can guarantee this will work when finished. Will be done within 120 days, barring more 100-year storms in a row.

Hal – had questions on what has been done so far. Manholes are way over grade, drainage isn't functioning. Mr. Holmgren – it isn't functioning at the present time. Drainage isn't connected, things aren't at the right height. They have to get gravel on the road. Everything is hooked up, just not at the right height. Hal – water drains from right to left on Dorsey Street. Mr. Holmgren – they have an equalizer pipe, which will allow that. He had submitted a set of plans that have been approved by the Planning Board, which showed this. Nathan – they need to get drainage working for neighbors. Give them a partial certificate, give them 120 days to finish it, get drainage working, and the abutters get relief.

Hal – his concern is outstanding Order of Conditions. In the regulations, there is nothing that alludes to partial certificate. Mr. Holmgren – it's listed on the form. Hal – what they have done out there hasn't helped at all. The mud is so thick out there, you can't walk through it. The water is coming from the project down Dorsey Street. Mr. Holmgren – what Hal is suggesting, to bring it to a logical conclusion they would have to replace the wetlands, and wait for two growing seasons, then remove it and pave. Hal isn't suggesting doing replication - maybe cancel first Order of Conditions and refile.

Mr. Holmgren – feels everything that has been requested by the commission has been given. He just wants to get drainage working. Agrees project was not done in satisfactory manner, but he wants to get drainage working so the neighbors aren't dealing with what they've been dealing with for a year and a half. Hal – they have to follow the procedures set in the regulations. Mr. Holmgren – issue partial, close hearing and issue order of conditions. There is a ten-day appeal period. Hal – it's an unusual situation. Mr. Holmgren - issue new order of conditions, there is a ten-day appeal period, have someone contact DEP.

Nathan – thought that at the last hearing up to a point they had agreed that it has to be fixed, give them 120 days and get some relief for the neighbors. That would be in the best interests of the neighbors. Hopes the drainage system helps the abutters. By prolonging this, it doesn't help. Needs to be finished. Give them 120 days, that's it.

Dick – can they amend original filing and order of conditions? Nathan – he's not happy with this, but this needs to be finished; if not done in 120 days, turn it over to DEP. Hal – withdraw original order of conditions. He can't get past partial. Mr. Holmgren – they would be talking another month then. He doesn't think that is the right thing to do. At this point, he should request the board to close hearing, and he will go to DEP, but that will take six months and won't help the neighbors. Neighbors - want it done and done right. Is the other end of Crossley being paved? Want drainage done. Is there going to be culvert? There are going to be retaining walls 250' long, 2-4' high, and there will be a pipe in that wall.

Hal – there is 6 inches of water around the replication area. Nate – when they put the drainage in and the board approves it, do they go before Planning and connect to town drains on Randolph Street? Yes – immediately. Catch basins aren't at grade, and they can't gravel the road until the commission gives them new orders. Nathan – allow them 120 days, if not done by then, deny and go to DEP. Mr. Holmgren – they are committed to doing what they said they would do. Dick – someone needs to check with DEP to confirm what the board wants to do. Alex – when individual lots have come before the board, partials are issued, then certificate of compliance for whole subdivision. Board has issued partials before. Hal – this is not part of subdivision. Mr. Holmgren – road is part of subdivision, but rest of subdivision is not part of Conservation jurisdiction. Alex – that road is part of the Planning Board approval.

Nate – motion to issue partial certificate of compliance other than replication on Dorsey Street. Dick – how does one close out an NOI and replace it with another? Hal – withdraw original NOI. You can't have two NOI's on the same piece of land. Dick - can original order of conditions be amended? Mr. Holmgren – he's not sure he can do that. The reason he didn't

request a full certificate of compliance was because it's not done. He filed the second NOI and got a file number so DEP was aware. It was Nathan's opinion a partial can be issued. Would be for partial on utilities installation. Hal – ask DEP and let them resolve the issue. Mr. Holmgren didn't want to lose any more time.

Dick – let's vote and ask DEP if it's ok. Nathan – motion to issue partial certificate of compliance with respect to utilities and accept the new NOI, seconded by Chris, and replication as modified by second NOI, 3 ayes, 1 nay (Hal). The 120 days should start when appeal period is up. Orders need to be filed with Registry of Deeds and returned to Commission; when we receive that, that starts the 120 days. This project was filed back in January.

Hal – Mr. Owens, next to 1238 Bedford Street, called him. Still has water issues. Hal wondered if riprap is too close together. Will pull plan and take a look.

Order of Conditions #84-436: A1-6, E1-10, G1-7, H2-9, I-1, I-2a,b,c,d,e,f,g,h.

Special Condition: Must be completed within 120 days from the end of the appeal period.

Upon completion, a Yardley marker will be installed in accordance with the direction of the Conservation Commission. Work on this location was originally started under SE084-407.

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

  
Nancy Hurst