

Conservation Commission Meeting – April 21, 2015 Minutes

Time: 7:00 PM – 7:30 PM

Location: Town Hall, Selectman's Meeting Room

Time: 7:30 PM – 8:05 PM

Location: Town Hall, First Floor Conf. Rm.

Members Present: Tom Ruskin, Vice Chair; Nelson Kessler; Robert Salter; and Toni Bandrowicz

Members Absent: Mark T. Mahoney, Chair; Marc Andler; and Monica Tamborini

The first part of the Swampscott Conservation Commission meeting was held jointly with the Earth Removal Advisory Committee (ERAC) in the Selectman's Meeting Room for the purpose of discussing Aggregate Industries federally permitted stormwater discharge to Fosters Pond, including a pre-winter discharge that exceeded the permit's turbidity limits and resulted in a cloudiness in the pond.

The Aggregate Industries representatives explained that the turbidity incident was the result of an "operational" error that company has taken steps to correct. The company is also planning to enlarge the lagoon in which stormwater is retained, pending settlement of solids, before discharge to the pond. The company will provide an outline of the planned improvements to the town.

The representatives also stated that company did not discharge to the pond all winter after this incident occurred, pending its investigation of the incident. The Mass. Dept. of Environmental Protection has been to the site as a result of this incident as well.

In response to a question from a resident who abuts the pond concerning a fish kill observed this spring, the Aggregate Industries representatives stated that the company has been in touch with the Mass. Div. of Fisheries & Wildlife which indicated that it was most likely a natural fish kill generally seen in the winter as a result of depleted dissolved oxygen. The company's consultant also investigated the situation, arriving at same conclusion. The representatives believe that the depletion of oxygen in the pond may have been the result of the company not discharging to the pond all winter, thus not providing aeration to the pond.

A member of the Conservation Commission questioned whether steps would be taken to remove the dead fish still present so that their decomposition would not further add to depletion of oxygen in the pond or, as raised by the pond abutting resident, not result in possible human health issues. The Aggregate Industries representative stated that the company would look into the situation.

The representatives confirmed that Aggregate Industries will be putting up a fence on its property by the pond, but assured the ERAC that it would still be able to access to the outfall and, upon request, access the property, noting that the property is private property, and of the need for safety. The company representatives stated that there is a buffer zone of Aggregate Industries property by the pond as required by the town permit

Conservation Commission representatives then left the ERAC meeting to go to the First Floor Conf. Rm and convened the second meeting, which was called to order at 7:40 PM.

It was proposed that, going forward, the Conservation Commission meetings be held on the third Thursday of every month at 7:30 PM, the next meeting being on May 21, 2015. If, 10 days prior to a scheduled meeting, no business is proposed to be considered by the Commission, then the meeting can be cancelled.

The minutes from the prior meeting were then unanimously approved.

The members then considered whether a certificate of completion should be issued for the project at **149 Puritan Road**. The work being completed, Mr. Salter made a motion to issue the certificate, Ms. Bandrowicz seconded, and the motion passed unanimously; the members signed the certificate of completion.

Next, the request for an extension on the Order of Conditions for **60 Tupelo Road** (71-260) was considered by the members. While the members were not opposed to granting a limited extension to complete the necessary work, given that the Order of Conditions has expired, the members need to investigate (1) whether such a request can be granted or whether the applicant needs to apply for a new permit; and (2) if an extension can be granted even though Order of Conditions has expired, the proper procedure for doing so and whether there are any restrictions on the length of time of the extension. If an extension is permitted, the members agreed it should be issued in accordance with proper procedures.

Finally, the members considered the Notice of Intent to Conduct Yearly Maintenance at **29 Northstone Road**. Members agreed that a letter should be issued to the owner noting that the owner is permitted to perform the annual routine maintenance work subject to the following conditions:

- Any repointing of rip rap or stairs will be done by hand only; bringing equipment or machinery and/or the pouring of concrete is not allowed on the beach; and
- Moving existing rip rap is allowed (equipment or machinery would be permitted on the beach for this limited purpose only subject to prior notice and approval by the Conservation Commission), but the addition of new rip rap is not allowed.

Meeting adjourned at 8:05 PM.

Submitted by Toni Bandrowicz