



TOWN OF WINTHROP CONSERVATION COMMISSION

Town Hall 1 Metcalf Square Winthrop Massachusetts 02152 Telephone: (617) 539-5821 Fax: (617) 846-5458
E-mail: conservation@town.winthrop.ma.us Web: www.town.winthrop.ma.us

MINUTES OF MEETING 7:30 P. M. – October 12, 2011 Joseph Harvey Hearing Room Winthrop Town Hall

Members in Attendance: Mary Kelley, Chairperson, Stephen Machcinski, Norman Hyett, David Girard, Kristine Dow, Scott Bocchio, J. Calvin Farrand.

MINUTES OF MEETING – Discuss changes - **VOTE** to approve September 14, 2011 Minutes of Meeting as amended; Stephen Machcinski, Motion to approve as amended; Norman Hyett, 2nd the Motion, **UNANIMOUS VOTE**.

Karen & Maureen Fidler, 516 Pleasant Street – Discuss site visit, vote/sign Certificate of Compliance – **POSTPONED** – site visit had not been completed. Will discuss at next schedule meeting.

Philip Baldi, 33 Nahant Ave. – Discuss update on project – complaints received – **POSTPONED** – will discuss at next scheduled meeting.

VIOLATION AT BELLE ISLE MARSH – **POSTPONED** – will discuss violation notice at next scheduled meeting

Winthrop Board Yard - Discuss request from Attorney James Cipoletta regarding his client, Winthrop Board Yard. Mr. Cipoletta requested an Order of Conditions be issued. No Order of Conditions to be issued until the MWRA 8M permit has been addressed. Mr. Cipoletta had been notified prior to this meeting.

PUBLIC HEARING – James McKenna, Town of Winthrop – Abbreviated Notice of Intent Ft. Banks access road – Representatives Steven Calla, Interim Public Works Director and James Lyons, GEOD Consulting made presentation with details of project. The Commission asked many questions and received response from representatives. Mr. Lyons stated that he will respond to the comments regarding this project issued by the Commonwealth of Massachusetts, Dept. of Environmental Protection (DEP). Mr. Lyons also stated for the record that plans are still incomplete.

Many abutters of the Governors Park Condominiums and Banks Street were an attendance. The attorney for Governors Park, Scott Erickson, submitted a letter to the Commission. Mr. Erickson stated that the application should not be heard, as it is not complete. The Commission, Mr. Lyons and Steven Calla were asked many questions by those in the audience. The Commission stated to the audience that they could not respond to any questions on this project not under their jurisdiction. They can only answer questions on what has been presented to them in the Abbreviated Notice of Intent.

A statement from Police Chief Terance Delehanty, regarding the safety of the children, was made for the record. The Chief and Town Manager, James McKenna also stated that they are exploring other options. Also statements from Council members Jeanne Maggio and Nick DelVento were made for the record.

Hearing cannot be closed until all information has been submitted for review. The hearing will continue either in Two (2) weeks or One (1) month. Applicant is to notify the Commission if they will not be ready for a meeting in two (2) weeks.

Kristine Dow, Motion to continue hearing in Two (2) weeks if all new submittals have been forwarded to the Commission for review. If submittals are not ready, the hearing will continue in One (1) month; David Girard, 2nd the Motion. The representatives have been informed that everything must be submitted to the Commission at least 1 week before a meeting.

MEETING ADJOURNED 9:15 P.M.

PERKINS & ANCTIL
ATTORNEYS AT LAW

6 Lyberty Way, Suite 201
Westford, Massachusetts 01886
(978) 496-2000 • (800) 642-4906
(978) 496-2002 Fax
www.perkinslawpc.com

October 12, 2011

CHARLES A. PERKINS, JR.*

ROBERT W. ANCTIL*

GARY M. DADDARIO*

DAVID R. CHENELLE*

TRICIA L. DELBOVE

CHRISTOPHER S.M. DRISCOLL

FREDRICK J. DUNN

SCOTT J. ERIKSEN

*also admitted in N.H.

Via Email (conservation@town.winthrop.ma.us) and Hand Delivery

Town of Winthrop Conservation Commission
Town Hall
One Metcalf Square
Winthrop, MA 02152

Re: Notice of Intent – 100 Kennedy Drive / Proposed Access Road

Dear Members of the Commission:

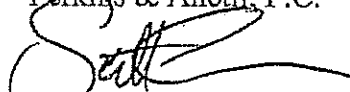
Please be advised that this firm represents the Board of the Governor's Park Condominium Association, an immediate abutter to the above-referenced Project. We have reviewed the Notice of Intent application (the "Application") filed by Mr. Steven Calla of the Town of Winthrop Department of Public Works ("DPW") on September 19, 2011.

Based on the information reviewed, *we do not believe that the Application, as submitted on September 19, 2011, complied with all of the Commission's submittal requirements* (the "Requirements"). Namely, it does not appear that DPW provided the requisite copies of all of plans and surveys necessary under the Requirements. Indeed, Mr. Calla's letter of September 19, 2011 seems to acknowledge this deficiency, stating that the DPW was "unable to duplicate [a stamped land survey] in time for the submittal of this application." A copy of Mr. Calla's letter is also attached.

An additional deficiency in the Application is that the Notice of Intent fails to identify the Assessor's Map/Parcel of the Project site.

As you know, the Requirements plainly state that *"The Winthrop Conservation Commission will not accept an incomplete application."* Given the fact that the Application was incomplete as of the September 19, 2011 due date, we believe it would be improper and in violation of the Commission's regulations to proceed with the hearing scheduled for this evening.

Respectfully,
Perkins & Anctil, P.C.


Scott J. Eriksen

Enclosures

cc: Client

RECEIVED

TOWN OF WINTHROP
Department of Public Works
100 Kennedy Drive, Winthrop MA 02152

SEP 15 PM 3:58

Steven R. Calla, Operations Manager



Phone: 617-546-1341

Fax: 617-539-1545

<http://www.town.winthrop.ma.us>

scalh@town.winthrop.ma.us

September 19, 2011

Town of Winthrop Conservation Commission
C/o Town Hall
1 Metcalf Square
Winthrop, MA 02152

Re: 100 Kennedy Drive

Dear Commission Members:

In response to your instructions, the DPW has prepared the attached Notice of Intent and Storm Water report for the purpose of building an access road in the DPW facility rear lot connecting Kennedy Drive to the parking lot at Governors Drive Condominiums. This project will include road construction and minimal drainage upgrades as outlined on the plans.

The DPW is also attaching a copy of the registered deed as requested by the commission. A copy of a stamped land survey is available for viewing at the DPW building. The department was unable to duplicate this plan in time for the submittal of this application. ✓

Given the need to procure construction services and to complete the work before winter season, the DPW is requesting any and all consideration to get onto the next agenda for the meeting scheduled for October 12th and to obtain favorable action expeditiously.

Sincerely,

Steven R. Calla

Acting Director of Public Works

TOWN OF WINTHROP

CONSERVATION COMMISSION



Mary A. Kelley, Chairperson
Stephen Muchcinski
Brian Corbett
Norman P. Hyett
David J. Girard
Scott F. Bocchio
Kristine E. Dow
J. Calvin Farrand, Alternate
Marsha C. Allen, Secretary

TOWN HALL
WINTHROP, MA 02152-3156
Telephone (617) 539-5821
E-mail: conservation@town.winthrop.ma.us
Web: www.town.winthrop.ma.us

HEARING/APPLICATION SUBMITTAL DUE DATES - 2011

HEARING DATE

SUBMITTAL DATE

January 12, 2011

December 22, 2010

February 9, 2011

January 18, 2011

March 9, 2011

February 14, 2011

April 13, 2011

March 21, 2011

May 11, 2011

April 19, 2011

June 8, 2011

May 16, 2011

July 13, 2011

June 20, 2011

August 10, 2011

July 18, 2011

September 14, 2011

August 15, 2011

October 12, 2011

September 19, 2011 ✓

November 9, 2011

October 17, 2011

December 14, 2011

November 14, 2011