

MILTON CONSERVATION COMMISSION

January 14, 2025

In Attendance: John Kiernan, Chair, Arthur Doyle, Ingrid Beattie, Wendy Garpow, Thomas Palmer, Charles Bosworth, Philip Driscoll, Clerk of MCC and Steve Ivas, Conservation Commission Agent

AGENDA:

1. 24 Wentworth Farm Road: Notice of Intent in response to an Enforcement Order:

Present were the home owners and their representatives, including Attorney Ned Corcoran and James Burke, from DeCelle & Burke, their engineer. Also present was Deb Keller, from Merrill Engineering, the MCC engineering consultant. The Applicant presented two conceptual plans to address (1) the drainage from the roof drains and the "new" driveway drain (not on the original plans) and (2) the remediation of the "boulder wall" installed instead of the approved block/concrete wall. The conceptual plans included a doubling of the subsurface storage capacity (Cultec chambers) in the back yard, which proposed a vertical release valve with a slightly depressed retention area, with a sheet flow of any excess water towards the wetlands. The MCC requested consideration of a horizontal discharge pipe with a level spreader to prevent erosion. Although this request for consideration was not a requirement of the system, the MCC requested some engineering analysis to demonstrate the efficacy of the vertical system to prevent erosion.

There was discussion regarding the difference between remediating the boulder wall with pressurized concrete and filling the larger holes with smaller stones. Deb Keller recommended the use of small stones to fill the holes in order to avoid the freeze/thaw problems and likely deterioration of the concrete. The consensus of the MCC (no vote) was that the filling of the larger holes in the boulder wall would be more effective in preventing seepage and/or erosion through the boulder wall. NB The existing filter fabric was deemed to be sufficient to prevent seepage from the septic system.

Jim Burke indicated that he would produce engineering plans to support both the roof/driveway drainage system and the boulder wall remediation for our review. The matter was continued to the next MCC public meeting in February, assuming submission of the engineering plans.

2. Certificate of Compliance 11 Wentworth Farm Road:

The homeowner and his representative, Jeff Kane, PE. appeared to request a COC for the rerouting of the drainage system away from Wentworth Farm Road. Mr. Kane attested to the "substantial compliance" with our approved plans and the MCC voted unanimously to issue the COC.

3. 107 – 111 Highland Street – Review of Revised Plans and DEP's Superseding Order

The Applicant for the Memory Care Facility submitted revised plans from those originally approved by the MCC in October 2023. Those plans had been revised by the Milton Planning Board and those revised plans had been submitted to DEP, which formed the basis for the DEP's

Superseding Order. Essentially, the plans reduced the size of the footprint of the building and allowed the Applicant to pull a portion of the driveway circle further away from the resource area and reduce the amount of alteration within the MCC Bylaw's 25 foot non-disturbance zone. The revised plans were submitted to the MCC for review pursuant to the MCC Regulation – General Wetland Bylaw, Section 4 Procedures, Sub-Section E (2)(C) which governs proposed changes to an approved plan.

The Applicant was represented by Attorney Ned Corcoran who recited the procedural history of the matter and requested a review of the proposed changes. Engineer Paul Avery appeared on behalf of the Applicant and attested to the fact that the revisions (1) reduced the footprint of the building; (2) reduced the amount of alterations within the 25 foot non-disturbance zone; and (3) improved the ratio of remediation area for the alterations within the 25 foot non-disturbance zone.

Numerous citizens from the surrounding area and elsewhere in the Town spoke in opposition to the entire project and contended that the MCC should reconsider the entire project, rather than limiting our review to the changes to the originally approved plans. The Neighborhood group was represented by Attorney Elizabeth Pyle. Town Counsel, Peter Mello participated and assisted the Commission by advising that our scope of review was limited to the proposed changes, pursuant to the MCC Regulations Section 4 (E) (2)(C), rather than a reconsideration of the entire project.

After hearing from numerous citizens and arguments by all counsel, the MCC considered two motions which tracked the language of Regulation Section 4 (E)(2)(C), "that the changes represent an insignificant change in the original proposal and will cause no significant difference in the impact of the activity on the interests identified in the Bylaw, in which case the person proposing these changes may proceed in conformance with them." The reason there were two votes was to determine, first, if the revisions constituted "insignificant changes" and the second vote was to accept those revisions as part of the approved plans. The MCC voted unanimously in favor of both motions and the revised plans were accepted as part of the Superseding Order of Conditions.

The above vote was also conditioned upon the Applicant's agreement to abide by the MCC's original "Special Condition 4" which provided for a "Tree Survey Count" and a "Tree Replacement Plan" which provision had been included in the MCC's original Order of Conditions but had been deleted by the DEP in its Superseding Order of Conditions. In order to memorialize the Applicant's agreement to abide by that "Special Condition 4" the Applicant and the MCC had proposed to enter into a Memorandum of Agreement (MOA). After discussion of the terms and conditions of the proposed Memorandum of Agreement, the MCC voted unanimously to execute the MOA and to authorize the Chair of the MCC to sign the MOA on its behalf. That MOA is incorporated by reference into these minutes.

4. Approval of the Meeting Minutes for December 10, 2024;

After review and discussion, the MCC voted unanimously to adopt the minutes as drafted

5. DCR Signage at several locations within the Blue Hills Reservation – Discussion.

The MCC discussed the anticipated RDA's from DCR to post signage boards at 15 locations throughout the Blue Hills Reservation. DCR had requested relief from the MCC Bylaw's abutter notification requirements. Although the state regulations provide for relief from the notice requirement when the projects are on properties larger than 50 acres, the Town Bylaws do not. Moreover, Town Bylaws require notice to abutters even when the property is greater than 50 acres and crosses municipal lines. In this case the Blue Hills Reservation includes seven municipalities and involves literally many hundreds of property owners. Thus, the MCC discussed the use of the MCC's Wetlands Regulation Section 9: Waiver of Regulations, which provides that "Strict compliance with these rules and regulations may be waived when, in the judgment of the Conservation Commission, such action would serve a substantial public interest or when strict compliance would result in severe economic hardship far greater in magnitude than the public interest to be served. In the latter case, the Commission may require that compensatory or mitigating measures be taken, even at an off-site location, to protect the interests protected by the Bylaw."

After discussion among the MCC members, a consensus was arrived at that when the DCR files its multiple RDA's for the signage within the Blue Hills Reservation, that the MCC would exercise its discretion, pursuant to Section 9 of the Regulations and only require public notification by publication in a local publication, such as the Quincy Patriot Ledger. Although a consensus was achieved, no vote was taken.

6. New Business:

Arthur Doyle provided an update on the CPC funded Marsh Restoration Project in the area of Milton adjacent to Riverside Drive. He reported that the surveying of the area was underway, as part of Phase One of the marsh restoration.

Wendy Garpow reported on the status of the MCC Tree Program which has been added to the MCC website inviting the public to request financial assistance to provide trees in public areas.

7. The Meeting was adjourned at 9:50 PM