

**MINUTES  
CONSERVATION COMMISSION  
INLAND/WETLAND AGENCY**

**THURSDAY, November 13, 2008 - 7:00 P.M.  
WATERTOWN HIGH SCHOOL TECHNOLOGY CENTER**

**Continuation of the Public Hearing from October 9, 2008  
APPLICATION #652 – Echo Lake Brownfield, LLC**

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**Members Present:** Mr. Ed Undercuffler, Chairman  
Mr. Donato Orsini, Vice Chairman  
Mr. Tom Murphy, Secretary  
Mr. Tony DiBona  
Mr. Joe Polletta (7:10 pm)

**Members Absent:** Mr. Mike Genovese  
Mr. Jim Zawadzki

**Alternate Present:** Ms. Denise Russ

**Alternate Absent:** Ms. Martha Sturgis  
Ms. Michael Brown

**Others Present:** Mr. Moosa Rafey, Wetlands Enforcement Officer  
Mr. Chuck Bezio, Land Use Secretary

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**1. Call Meeting to Order**

Mr. Undercuffler, Chairman, Called the Public Hearing to Order at 8:00 pm.

**2. Roll Call**

Mr. Murphy executed the Roll Call.

Mr. Undercuffler, Chairman, read aloud the Ground Rules as follows for the record:

“GROUND RULES FOR CONSERVATION COMMISSION/  
INLAND WETLANDS AGENCY”

1. The applicant or his representative will make his formal presentation to the Commission stating the proposed regulated activities, the wetland impacts, and the alternatives which were considered by the applicant.
2. All comments, discussion and observations shall be made through the Chair after proper recognition by the Chairman. This is necessary to ensure that only one person at a time speaks on any issue, thus making it easier for everyone to understand and for clearer legal transcription.
3. All persons addressing the Commission shall begin by first clearly stating their name and address for the record. If necessary, the person may be asked to spell his name for the record.
4. Following the presentation of the application, the Conservation Commission/ Inland Wetland Agency will ask specific questions of the applicant.
5. After the Commission has asked its questions of the applicant, I shall then allow any members of the public who wishes to speak either in favor of this application or against it to address the Commission.
6. I shall then allow the applicant to respond to the comments of the members of the general public.
7. I shall then allow any members of the general public who wish to present any additional information or clarifying discussion to do so.
8. I shall then provide an opportunity for the applicant to respond to these additional remarks if he or his representative so wishes.
9. The Conservation Commission/Inland Wetland Agency has thirty five days from the date the public hearing commences to complete the public hearing. The Commission may ask the applicant for a thirty five day extension of the public hearing period if the commission requires any additional information or wishes to schedule a site walk to observe the situation for them.
10. The Conservation Commission/Inland Wetland Agency has thirty five days from the date when the Public Hearing is closed to render its decision.

### 3. **Hearing of Applications**

B. Continuation of the Public Hearing from October 9, 2008 – Application #652 of Echo Lake Brownfield, LLC for piping a watercourse associated with the restoration of Echo Lake Landfill located on the north side of Echo Lake Road in an IR-80 Restricted Industrial Zoning District.

Recess or adjourn the Public Hearing must be closed by November 13, 2008 unless applicant grants an extension of time.

Attorney Joseph Wellington from Carmody & Torrance was present and submitted into the record a letter dated 11/07/08. Mr. Wellington requested the Commission to consider his letter.

Phillip Forzley an Engineer from Fuss & O'Neil was present and reviewed his report dated 11/11/08 with the Commission.

Joshua Wilson a Wetland Scientist Fuss & O'Neil was present and reviewed his report dated 11/11/08 with the Commission. Mr. Wilson reviewed the adverse impacts to the wetlands and watercourses with the Commission. Mr. Wilson reviewed the mitigation and hydro geological characteristic of the project with the Commission. Mr. Wilson discussed his concerns that are mentioned in the report with the Commission. Mr. Wilson advised the Commission that the US Army Corps of Engineers have approved the Mitigation Plan. Mr. Wilson expressed concerns with the fact that the applicant has not submitted a post mitigation plan.

Mr. Forzley discussed the stormwater management on the site with the Commission and expressed concerns with soil being brought in and wants the applicant to address this and all other concerns that are noted in their report.

Mr. Polletta expressed concerns on the size of the pipe and wanted to know who recommended it. Mr. Polletta also expressed concerns with who was going to maintain the pipe and if a road would be needed in order to maintain the pipe. Mr. Polletta discussed the feasible and prudent alternative and wanted an explanation on why there is a need to bring in so much material onto the site. Mr. Polletta asked if the material will be monitored by DEP.

Mr. Wellington noted that he is an Environmental Attorney and stated to the Commission that they are not going to be able to address all the issues that are being brought up during this meeting. Mr. Wellington reviewed his letter dated 11/07/08 with the Commission. Mr. Wellington reviewed the existing condition of property and the discussed the proposed reasonable use of the property.

Moosa asked the applicant at what stage are they with DEP?

Mathew Sanford from Milone and MacBroom for the applicant was present and reviewed with the Commission the mitigation areas. Mr. Sanford reviewed with the Commission the function of the wetlands.

Chairman Undercuffler asked Mr. Sanford to explain the clearing limits, the existing wetlands, and the proposed new wetlands and what was going to be filled in on the site.

Mr. Polletta expressed concerns with how much wetlands was going to be disturbed and how much was going to be enhanced and or created.

Mr. Sanford explained that .56 acres of wetlands will be disturbed while .25 acres of wetlands will be created. Mr. Sanford also discussed the required US Army Corps of Engineers will be monitoring the site for 5 seasons.

Ted Crawford from Milone and MacBroom was present and reviewed for the Commission his report dated 11/6/08. Mr. Crawford discussed the site remediation. Mr. Crawford noted that they are not able to fully address all concerns at this time. Mr. Polletta expressed concerns with the area of remediation.

Mr. Crawford submitted into the record the Fill Height Tables for Precast Concrete Pipe from American Concrete Pipe Association.

Chairman Undercuffler expressed concerns the limits of the pipe requirements.

Mr. Polletta expressed concerns with the design of the pipe. Mr. Polletta asked if the applicant is going to be adding a second pipe as a back up.

Chairman Undercuffler expressed concerns with the maintenance and cleanout of the pipe if it becomes clogged. Chairman Undercuffler also expressed concerns with not proposing a back up for the pipe if it should become clogged.

Mr. Polletta asked who is going to be responsible for the maintenance of the pipe.

Mr. Crawford advised the Commission that the property owner is responsible for the maintenance and cleanout of the pipe.

Chairman Undercuffler expressed concerns about the design of the trench bedding.

Mr. Rafey requested the applicant to submit an explanation to the Commission on why the feasible and prudent alternatives should not be considered and this would include the retaining wall.

Mr. Polletta expressed concerns because there is no head wall on the front of the pipe. Mr. Polletta expressed concerns with possible erosion in the future.

Mr. Forzley asked the applicant to explain the impact of this proposal on the ground water and requested a report be submitted for the record.

No one from the public spoke for or against this application,

Intervener Judith Capasso Brideau was present but had not commented.

Mr. Rafey noted that the applicant would need to give a written extension of time if the public hearing was going to be continued. The applicant granted a 35 day extension.

Chairman Undercuffler expressed concerns that the details of the fill, is not part of plans that are submitted in to the record.

Mr. Wellington explained to the Commission that the fill will be regulated by the DEP. Mr. Wellington advised the Commission that the DEP will have all records and the applicant will supply the records of the contaminated soil test to the Commission. Mr. Wellington explained that the fill that is going into the site will be what the DEP wants.

Mr. Polletta expressed concerns with the fill being filled with ash.

Chairman Undercuffler expressed concerns with whether or not the soil is going to be dense. Chairman Undercuffler expressed concerns with handling the water from the storm water run off?

Mr. Polletta moved to continue the public hearing to 12/11/08. Mr. DiBona seconded the motion.

**Discussion: None    Vote: 6 in favor    Abstained: 0    Opposed: 0**

**MOTION PASSED UNANIMOUSLY**

Attest:

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Ed Undercuffler, Chairman  
Conservation Commission  
Inland/Wetland Agency

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Approved by: Chuck Bezio, Land Use Secretary