



CITY OF MELROSE

CONSERVATION COMMISSION

City Hall, 562 Main Street
Melrose, Massachusetts 02176
Telephone - (781) 979-4312
Fax - (781) 979-4290

(as corrected)
Melrose Conservation Commission
Minutes for November 15, 2012

Present: Susan Murphy, Richard Doucette, Kate Hickey, Erin Heacock, Kevin Anderson and Aaron Weieneth

Ms. Murphy, Chair, called the meeting to order at 7:30 PM

Mr. Doucette took over as Acting Chair for the Continued Public Hearing.

Continued Public Hearing

77 & 79 Messenger Court (217-0187)

Chair explained to those present that Meridian Associates was chosen to review the drainage calculation. The Public Hearing was continued from September 20, 2012, and, as a result of the review by Meridian, revisions made to the plan (last revision date 10/31/12). Mr. Doucette asked Mr. Marchionda to explain the changes made to the plan and how they differ from the previous plan. Because of the show of hands of people attending the public hearing for the first time, Mr. Doucette also asked Mr. Marchionda to review the project. Members of the Wakefield Commission introduced themselves, along with their agent and the Town Engineer, Mr. Collins.

Mr. Marchionda started off reviewing the site and the resource areas and the proposal for a 20 unit apartment building with parking and the access coming off Messenger Court. Mr. Marchionda said this site is unique because the standard is to make sure that peak rate of runoff doesn't exceed what's going off the site, but because there are isolated areas that were pocketed floodplain areas, they also had to pay attention to the volume. He said there will be no increase in volume going off the site because they will provide a lot of recharge on site. Mr. Marchionda said they will not be adding any more flooding to anyone in the surrounding areas. Mr. Marchionda said the biggest change to the plan is the removal of porous pavement from the site. Stormwater regulations, issued by DEP, says you can't use it within 100' of a wetland. There used to be two small recharge areas and now they have one large recharge area in the back. They had to elevate the site, so the grades have gone up, they haven't gone out which doesn't affect the floodplain filling. Mr. Marchionda explained that every foot of floodplain being filled must be compensated and it must be filled at the same elevation. Mr. Marchionda said they have done that and based on the calculations, they have provided twice as much compensation than they need. Mr. Marchionda said that, "technically" there should be a decrease of flooding on the site because there will be more room for storage than currently.

Permeable pavers will be used instead of the porous pavement. They have addressed all of Meridian's concerns in their letter of November 6, 2012, and received today, another letter dated November 15, 2012, on the revised plans; and Mr. Marchionda said they weren't really Conservation issues and they would discuss later. Brian Timm, from Meridian Associates introduced himself to the Commission.

Mr. Doucette asked Mr. Marchionda to explain the changes to the recharge system. Mr. Marchionda explained how the markings on the plan show (3 ways) how the water flows off the site; one to Wakefield, one to the isolated wetland and the other to an area on Messenger Ct. The size of the watershed going into Wakefield will be reduced so the water going into Wakefield will be reduced and similarly, the other two water sheds. The runoff from the roof of the building and from the parking area will be captured and recharged into the ground in the recharge system. Mr. Marchionda said that in the Melrose Ordinance it is required to meet the 1 yr storm as well as the other storms. Mr. Doucette asked Mr. Marchionda to explain what the system will look like as it is being built. Mr. Marchionda said the ground is excavated down through the top soil, the sub-soil and down to the proper location and plastic chambers are placed that take water in and it's filled over and won't be seen above ground. Ms. Murphy asked if system will be able to handle the capacity of 100 yr storm. Mr. Marchionda said it will have the capacity for the water coming in and the water going out. Mr. Marchionda said if something happens and the system fails, the catch basins will start pumping water out of the ground, so you'll know. He said this system is very large. Mr. Marchionda said the recharge rate is very conservative, based on the Rawls table, based on the classification of soils. Ms. Murphy asked if Mr. Marchionda knew the depth of rain or how big a storm can be had that it fills up the system. Mr. Marchionda said he didn't know. Ms. Heacock asked if the cul tec system can withstand the weight of 26 cars and a dumpster. Mr. Marchionda said it is highway standard.

Ms. Heacock asked who will maintain the permeable pavers. Mr. Marchionda said there will most likely be a special condition in the Order of Conditions addressing that. Mr. Anderson asked what the basis for the parking was. Mr. Marchionda said it's based on city regulations plus they added a few. Mr. Anderson noted there is no sidewalk and said he felt it is relevant to discuss it because of the limitations to the roadway and modifications requested in the future which will impact the wetlands adjacent to the roadway. Mr. Marchionda said he doesn't feel the need for it and there is no room. Mr. Anderson also asked about snow maintenance. Mr. Marchionda said they will truck it off site if need be, but there is a large open space on the site that can be used.

Mr. Lucian, Chair of the Wakefield Conservation Commission, asked if the wetland delineation had been confirmed. Mr. Doucette said that it wasn't an issue on the site, but that only the line in Melrose was looked at. Mr. Lucian ask if their Agent could review the line in Wakefield. Mr. Doucette said, sure.

Mr. Michael Collins, P.E., Town Engineer in Wakefield presented some backup information and he believes that the base flood elevation gotten from FEMA is wrong. He said that he has looked over their LOMA's over the last couple of years and has worked with FEMA and DEP, who administers the state floodplains, and has provided information to help with their analysis. There's a lot of information that they didn't have

when they did their analysis. They are overwhelmed with the change in the floodplain maps and now everyone is being required to have flood insurance, so FEMA has a lot of pressure on it. He's questioning that when they established the base flood elevation of 70.9 that they had enough information and did a complete in depth analysis that was correct. He said that what that information didn't show you is that much lesser storms than 100 yr. storm, at much higher flood elevations than the 100 yr flood, that they established in this area. He questioned Mr. Marchionda when coming into Messenger Ct., there is a structure at about elevation 69 close to 70. Mr. Marchionda said, 69.32. Mr. Collins said when you take a look at Messenger Ct. there is that large wetland area to the north of this development. When I take the contour and bring it down to the city's town line, out in the field, that first reach of Messenger Ct. coming in, it's very low and flat. What he tried to look at and establish is the connectivity to what Mr. Beshara knows about the flooding that occurs down by this area historically, over the last six years, and the connectivity to the Wakefield area that always floods. Mr. Beshara didn't have any specific data of flooding in the area but said that the area does continually flood at high levels.

Mr. Collins said that as municipal officials, their duty is to protect the neighborhoods, not stop development, but really trying to help the developers from having any problems. He has had developers in Wakefield where he's reviewed their analysis of the floodplain, high ground water, etc., they ended up coming up 2-3' in the end, the developer realized they would have had a patio and pool under the 50 yr flood. He said he is really coming as a proponent of doing this right. He had out a letter with pictures as well as a table compiled of information in the neighborhood of flooding events.

Mr. Collins gave an overview of the information. This information, back in December 2010, we do not have a frost in the ground situation, so we had an unexposed soil and we had 3" of rainfall over a 4 hr period. During that storm you see in the pictures in the back, the water flooded out to behind #154 and the whole back area to an elevation that's close to 72 ½ to 73. It went down to Messenger Ct. which is very flat before it enters, and that elevation of 72 – 73 up in that back area goes flat across the court, which is no real grading at all approximately 2 ½ or so above the low spot of Messenger Ct., and results in flooding down the street. In that storm if you get 3" in 4 hours, for a 4 hour duration storm is about a 25 yr storm, and if you take a look at a 4 hr 100 yr storm your up closer to 5 ½ inches, so almost double the amount of rainfall in a 4 hr period. So imagine this flooding in these back yards where there's no natural structures to hold back the water provided by this kind of flooding.

That's why he believes that either the City or the City Engineer who does it, approaches FEMA and the State Floodplain Administrator. He would be able to work with them on providing watershed data and information. He believes that the 100 yr flood is much higher and much deeper in this area. The whole basis for the design of the site and protection of the homes as well as the protection of the development itself, is based on that water system and the flooding that they're dealing with and if that flooding is higher, what you've got now is you've taken the outline of 70.9 and you move it way into the site so now all that compensation and volume is being filled and you lose your floodplain storage. Another point he wanted to make is that the 100 yr floodplain established by the LOMA is too low and possibly by several feet.

On the estimated seasonal high ground water, when they did their test pit observations out in the field, it was back in May 11, 2012, maybe a couple of days were also included, at that time the USGS gauge in this area, that they've had in since 1965 and this gauge is put into the reading metal system, so what they are doing is there taking a long term ground water reading in this area with USGS and you can take a look at any time online and see how things are out there; are we at seasonal high spring conditions, are we at dry summer conditions, what are we? Back in May of '12 the USGS gauge was about 2 ½ feet below, if you take a look at the long term data with spring high ground water counts. So, there's a very strong potential in this whole area which has the same climate for 2 or 3 miles and is not going to change, that the ground water was a couple feet below what it would be in the spring, maybe even lower than the estimated seasonal high. He couldn't find enough information also to back what they were using for seasonal high. And one thing that you tend to want to avoid is a lot of engineers will come in and they'll use oxidation or a staining of the soil, that is, if you really study the science and hydrogeology, is you get these fluctuations with as if it happens to ground water and that oxidation, that stain zone, is statistically more frequent and there is a lot of, probably about every other year, a period of time when you actually see that with the hard ground water because it's not long enough in place to cause a staining or to leave evidence in the soil. So here you've designed your infiltration systems based on something, that on the average, is at a lower elevation and then you get these peaks, when that happens in a storm and you can't infiltrate the water, the water gets backed up and overflows your system.

On the infiltration analysis what you usually do, the best way, you don't just characterize it by the soil ... is you actually go to the in situ soils at the elevation where you're going to do infiltration and the best method, there are several methods, where you actually take a look at the vertical infiltration rate that's going to happen in that place because as the soils are laid down by the rivers over land and get deposited, the individual flavor of the soil in different areas have different factors, characteristics and so on that you can't pasture characterize in a lab that you test . . . or something else. He has worked with a lot of hydro-geologists that have PhDs, and it all comes back to the same place, you've got to characterize the soils. Once you characterize it for its concentration, then you think about it when you put it in a storm water treatment system, you're still going to have colloids, very small particles that are going to rise right through the treatment system into the soil infiltration and over time they're going to build up a course. So you take that in place measured infiltration and you reduce it by perhaps as much as 50% to out force some capacity of the future to absorb how .it will perform. Back when Mr. Collins first started in the 70's they wanted to talk about the rate of flow from the development, but here you're more in a situation where you're in an area that ponds twice and what's really important to volume more is the discharges off the site, putting more water into the area. Mr. Collins looked at the calculations, after getting directions from his Director of Public Works, but he couldn't find a good presentation of the existing conditions, post conditions on discharge of the site, so he kind of rushed through a lot of information.

Mr. Anderson asked if his, Mr. Collins, primary estimate is that the LOMA used as the basis for the project doesn't reflect the correct base flood elevation and the official estimate 2' more, and that's based on... Mr. Doucette said that's based on actual data

Mr. Collins said if you take a look at the profile, Messenger Ct. is in the last photo, it's very flat. He said, I've been out there during the storms and you can see the water just going right across. Mr. Collins provided a table showing data from the neighbors in the area, most of them live in Wakefield, they've identified different water levels at the basements, at the property lines, landmarks, etc, Without doing more detailed mapping, he guestimated, in 2010, if you take a look at the third from the last column, what the water elevation was when observed out in the field. You can see for that 3" storm as compared to a 7-8" storm for a 100 yr., instead of 70.9, it seems 72.8, for that much smaller storm. Mr. Anderson asked what Mr. Collins attributes changes to base flood elevation and the fact that FEMA is so far behind. Mr. Collins said that back in 2010 they changed all the flood plain maps statewide and what they did was take the 1970 analysis of the watershed that they didn't review and they just took the outline from the old USGS maps and they approximately dropped it on aerial photography and if you're on a development that they built back then and was up about 5' and the back part of your house was up high and dry and now the approximate line falls on your house, the bank gets a letter from them and tells you, you need flood insurance. People started hiring surveyors doing elevations, and didn't get approved whether or not they fall in the floodplain. FEMA became inundated. He said he saw one that they did where they took the outline of a wetlands area that you see on a map and went up a foot. When he got very detailed up close, he gave them watershed, past ..., hydrology of the piping system coming into it, they changed their plan. What you really should look at – we have very good mapping in Wakefield and would imagine Melrose would as far as flow coming out of this area, the pipes the hydrology controls have already been established and if it's a piping system that basically drains this area, there's ways of pipes that, without getting into the detailed analysis of that or Ell Pond, if you look at the inlet control to your pipes that takes the water out of this area, you develop a flow stage curve plugging into the watershed and gives a real study that you can stand on that makes sense with the flooding because if the flood is 2 or 2 1/2' higher than expected. I think it will have a lot of impact on the development for that kind of elevation difference and now what is happening is you're losing flood storage volume in the bath tub and it's now going to have to come up higher than the houses around it. Ms. Murphy said at the site visit, neighbors were asked informally where the flood waters came; and from what they said the flooding at the elevation of their basements didn't seemed to be consistent with having 2' of water in their basements. The owner at 79 Greenwood said she had 19" one time at the back of the house. Ms. Murphy said that at 79 Greenwood, that possibly the floodplain comes right up to the edge of the house, to the edge to the front of the house, so you've experienced flooding and says that the flooding does not go above the edge, the corner of the house, towards the back, alright, but it wasn't two feet.

Mr. Marchionda said they have gone by the standards, the Wetland Protection Act, the local bylaw and the LOMA that was established at 61 Messenger Ct. Mr. Marchionda said he doesn't know where the pictures were taken from that Mr. Collins submitted, but he was inundated with pictures of flooding right near the property and everything seems to be right on. He talked with Mr. Beshara, who suggested that he go down to the Julian Steele housing project; and it's actually in a bowl, and took elevations from the water marks and they were slightly higher, but not much; and they are in a bowl, so that confirms to him the 70.9 elevation; and he takes exception to the elevations presented. He talked about the 3" of rain in 4 hours, that's not a 25 yr storm, he said he didn't have

the book in front of him, but it's probably 3. something in 24 hours not 4 hours, 3" in 4 hours its very, very intense, that's probably even more than a 100 yr. storm, because the 100 yr. storm is 7" of rain in 24 hours, that's how it's statically measured. He said he doesn't know where the houses in the pictures are located, and he doesn't believe they have any bearing on the site directly. They have fences, sandbags, all kinds of things that could affect those numbers.

The seasonal high water was done exactly how they say in Massachusetts to do it, John Barrows, a PE in his office and also a soil evaluator did all the soil tests personally on the site. The type of tests Mr. Collins was talking about, he says they are aware of that, no one does that test because it's very expensive and you don't get any better results. So they say instead of doing that you can do a Rawls, it's very conservative. Mr. Marchionda said that every single watershed, the 1, 2, the 10, the 100 yr. storm and every single storm event the water has been reduced going off site. The average water reduction on these watersheds was .1 which goes to Wakefield is .3%, .2 is 20% and .3 is 22%. Instead of just looking at the peak rate of runoff we addressed that. He said all his elevations were done by a registered professional land surveyor that works for him, one of his partners. He said his stamp is on his plan and he'll stand behind it.

Chair of the Wakefield ConCom said that they have credible evidence that there's flooding from the pictures that they have. He feels that additional evidence can be used in addition to the 100 yr. flood elevation. He has confidence in their Town Engineer and says that the numbers don't make sense. If the numbers are wrong, there could be a loss in flood storage.

Mr. Collins said that FEMA is happy to get additional information and says they want to do it right. He said the analysis FEMA did was approximate and if there is more information to help bring it into focus, they would be happy to hear it. He says it would be to Melrose's benefit as well as Wakefield to really understand the floodplain elevation. Mr. Anderson asked if anybody here knows what the frequency was for the Mother's Day storm. Mr. Collins said, yes. Mr. Collins said, when you look statistically at storms, when you say a number year storm, there's duration and there's frequency and I told you the 25yr. storm on 3" of rain, that's a 4 hour duration storm. The Cornell Study before you, he's using data from 1960. I'm using the more modern studies where they're done by University's and proved statistically the amount of rainfall return frequency. If you talk about the 24 hour duration storm, which is typically the design, it will be much more than 3". I'd be happy to give you tables and provide you backup information to it. On the infiltration into the soils, Mr. Collins says he doesn't agree. He says he has people that do in situ testing. It is not that incredibly expensive and it gives you valid solid information to stand behind. You're talking about people's homes, residences, and lives here; and if you just take and make assumptions out of an in situ condition which is so extremely variable in New England, it is, I believe, an engineering approximation. I think you first have to get the 100 year storm correctly identified. It doesn't matter to do any infiltration, any analysis of the volumes, that comes later.

Mr. Marchionda says he has 30 years of experience. Mr. Marchionda said he's not going to do in situ testing, don't need to do it, it's an additional expense. DEP does not require it. Mr. Marchionda explained they can go in and look at the soil and classify the soil and

the Rawls table tells us the permeability of the soil. DEP gives you the option, if you don't want to use that, because it's so conservative, you can, if you want, use in situ testing, rain testing, when you get the answer, divide it by 2, make it slower, no one does it and DEP doesn't push it because the Rawls table is so conservative. It doesn't make any sense to do it. Mr. Marchionda said they have national level, he has customers that seek him out to solve problems. They know what they are doing, their stamp is on the plan and they are standing by the elevation numbers, 70.9 is acknowledged by FEMA, that the standard of the Wetlands Protection Act, that the standard in your local bylaw, that's what we're going with. We did some checking on it. He said that people have to realize the 100 yr. storm is a statistical event. Mr. Anderson said we have anecdotal evidence that we've gotten from here there and everywhere. Mr. Marchionda when they graph storms they use sort of a bell curve. When the rains start, water gets sucked into the ground and builds up to a point. A 100 year storm is measured by 24 hr. Someone said they have 3" of rain in 4 hours. That is very, very intense. You could have a storm that doesn't go for 24 hours that can give impact of a 100 year storm, when the rains come down so quick and rapidly. In different parts of the country it rains different. This is what we look at, it's very old. He said he takes objection to the fact that there are pictures of sites that are multi located with elevations from. I have ones on site that you folks gave me that all tied into all the elevations that we have here, not surveyed by registered land surveyors and you're saying that the elevations are wrong by 2', that's just not right.

The owner at 138 Greenwood St. said he bought the house 6 years ago and in the last 6 years he has gotten flooded 3 times.

Stan Gryglik says he wouldn't put much into FEMA's data. He has lived in his house for 36 years and gone through 7 storms. These storms happen mostly in the spring after the snow up in the mountains starts to melt along with the water and these rain storms that come through. 1992 was the next one, 13 years they had nothing, then '96, '98, '01, '06 & 10, 2006 was the worse one, the Mother's Day storm. The Steele House, twice has had to evacuate, spent hundreds of thousands of dollars to put people up as well as repairs, and that's a detriment to the city. He wonders why anybody would want to live in an apartment house with no access to the trains or walkways to the square. He told of a previous developer, Mr. Ventura, who owned the property from Wakefield, and he was dumping all kinds of fill, truck loads all in that area, for a period of 2 ½ years. He doesn't believe those soil samples are accurate because they have gotten through to the real soil that's in that area. In the Steele House, when they built that, they dug out tons and tons of peat. Mr. Gryglik can't believe there wasn't an ounce of peat. He has samples at his house when he was going to put on an addition of soils 30' down, a lot of peat. He has pictures he can show. Mr. Gryglik has had 4 1/2 feet of water all around his house, 2001 and 2006 are the storms that he had water in his basement. Mr. Gryglik has pictures that show the water inundated Messenger Court all the way across and Ashburton Place, where the Steele House building is. The building is a little higher, it is a bowl. There's only two sewers that take all that and they can only take so much. The storm drain is right behind the corner of the entrance of Greenwood St., George Torrey's house, 87 Greenwood St., that's where the storm drain comes through and it immediately overfills that. That area where that house, his driveway, that's where the storm drain is from Wakefield. That area acts like a sandbar, a dam. Once it gets over that, within

minutes, the water comes flying across Messenger, within an hour, all of his yard is filled up. He's got the lowest level and his neighbor has the second lowest level, and once it hits that, we're inundated. He saw some of the errors on his first LOMA many years ago, how bad the maps were. He had three surveyors out and the City Engineer. Marchionda said that if there is peat at the site, it won't impact the design or the project because a geotechnical report will be done and if needed, pilings will be used. Mr. Marchionda said that people have gone to FEMA to get their houses not classified as being floodplain because the FEMA map will show a floodplain in a big area and they'll show an elevation. Very frequently they won't pick up spots where the ground is higher than the surrounding sided area. We've been called out and survey the lot and the elevation is correct but the house is really at a higher elevation. It doesn't mean the floodplain is wrong, it just means it didn't detail inside the floodplain exactly the location of the home.

Mr. Doucette said he didn't want to talk about sidewalks because that would be covered with Planning. Mr. Anderson disagreed and said he thinks it relates to sustainability. The Commission sees incremental encroachment every year. Mr. Marchionda said there's plenty of room for snow storage on site. If there is an unusually heavy snow storm then they would take it off site, but it's not part of the plan to take it off site. Mr. Gryglik asked how they are going to take care of the snow for the city when they have to plow for the residents on that street – everything in your plan takes care of you.

Susan Sutta, Greenwood St. – the project brings the town together. Can they take care of the problems that we already have before we start adding other problems. Why haven't the two towns gotten together to solve the problems. She has spoken to both towns. Wakefield was helpful with sandbags and sent people over to talk about it. She said the Melrose DPW was closed down. She was told that it was a matter of the water coming from the holding area behind this project, coming down to them and the fact that it all went into one pipe. That pipe, on Greenwood Street, was too small, both towns told her that and both towns are blaming each other. Mr. Doucette said there have been a lot of drainage projects come through Conservation. The water isn't going to go somewhere else, it's going to go downhill. If it goes downhill too fast – Saugus will get mad.

Mr. Greenberg, 146 Greenwood St., Wakefield, said that if the project goes through and Messenger Ct. gets flooded, more people won't be able to get out. He has lived in the area since 1969 and the only solution is to have a project like Oak Grove. When the Steele House was built, they took out a lot of peat, then piles were put in. He said this project will sink unless they take out the peat.

Tom Holts, 152 Greenwood St., Wakefield, says there's always been water in his back yard and he has experienced 4 – 5 floods in the last 6 years.

Donna Murphy, 154 Greenwood St., said, she put the sandbags there to keep the water out. She says the water is always there.

Meg Cadagin, 67 Greenwood St., Wakefield, said they are a very frightened neighborhood.

Yohannas Mark, 61 Messenger Ct., said the infiltration condition is horrendous and there's nothing in the storm water plan to accommodate for poor infiltration. Then we hear that 3" an hour is an extreme amount of rain, when infiltration numbers that this plan is based on, is supposedly a wrong number. 2.41" per hour, that's the town's, and they're being conservative and then if you look at all the soil data in detail you will see that all the observations come up, you have all the layers, 3' of fill, permeable and below that is another layer of something, silty loam, or what not, and below that layer is silky clay loam, which is even worse, then you get to the water table and then farthest down there's a layer of sand. It's not until you get into the sand that you get a recharge rate, an infiltration rate. There's nothing in the storm water that mentions what we are going to do if these conditions are poor for infiltration. Here's our recharge gallery and if the infiltration is .41 inches per hour, and how are we going to infiltrate .41 inches per hour according to the calculations when the soil logs that are presented to us – we don't support that and within all the soil log observations what would you require in terms of actual hard calculations or test methods that would show that this is actually going to work.

Mr. Marchionda said the first thing they do is take a look at the existing conditions analysis, how the flooding takes place, where it takes place and that sets the base line that they have to keep, not to make it worse, not to say it's going to get better, but technically by the numbers. It's sure not going to be worse. Mr. Marchionda said his data was done by John Barrows, his partner. He's also a registered soil scientist in Massachusetts and Brian Timm has reviewed it. He said they will scrap the top soil and get down to good material and back fill it with gravel, so they make contact with the ground water.

Ms. Murphy asked Mr. Marchionda to check all the data and information submitted with respect to the floodplain elevation and put that in a document for the Commission to analyze as well as the applicant's reaction.

Mr. Collins said his credentials are he is a Mass. Registered Professional Engineer, Master's degree & Bachelors degree in Engineering, since 1970; worked for consulting firms for 15 years, and million dollar projects.

Mr. Doucette moved to continue the Public Hearing to December 20, 2012. Ms. Murphy seconded the motion, and it was voted unanimously in favor.

Public Hearing

Ell Pond Outlet Restoration (217-0188)

Mr. Beshara, City Engineer, was present for the project. The existing stone wall was not constructed when outlet put in. A tree collapsed and the automatic gate was broken and wouldn't work unless manually. Mr. Beshara explained that the DPW will make repairs, take out the stones and place rip rap, of large rocks, take out the tree and rewire the sensor. The contractor who built it will do the work. It should take 2-3 days. There was some discussion about the algae affecting the sensor readings.

Also the elevation of Ell Pond was discussed. Mr. Beshara said that the elevation could be set visually to the correct elevation if not at 44.7. He feels that keeping with the automation of the gate is the correct way to run it and not when a storm is eminent. He said all parties, Ell Pond Committee, ConCom & DPW, need to agree on the correct elevation.

Ms. Murphy moved to close the Public Hearing and issue an Order of Conditions, with no special conditions except for 48 hour notice. Mr. Anderson seconded the motion, and it was voted unanimously in favor.

Other Business

39 Swains Pond Ave. – Mrs. Murphy sent the homeowner a letter relating to the issuance of a Certificate of Compliance and the issues that still remain at the site. The homeowner said he plans to take care of the items and apply again in the spring.

Minutes

Ms. Murphy moved to approve the minutes of September 20, 2012. Mr. Doucette seconded the motion, and it was voted unanimously in favor.

Adjourn

Mr. Doucette moved to adjourn at 9:40 pm, seconded by Ms. Heacock, and voted unanimously in favor.