

**Weymouth Conservation Commission
Council Chambers, Town Hall
75 Middle St., Weymouth
January 23, 2013 Meeting**

Present: Laura Harbottle, Chairman
Steve DeGabriele, Vice-Chairperson
Tom Tanner, Commissioner

Not Present Scott Dowd, Commission Clerk
George Loring, Commissioner

Also Present: Mary Ellen Schloss, Administrator

Recording Secretary: Patricia Fitzgerald

Cmmr. Harbottle called the January 23, 2013 meeting to order at 7:00PM, in the Town Hall Council Chambers, Weymouth, MA.

Minutes

Cmmr. Tanner moved to approve the minutes for Dec. 5, 2012, seconded by Cmmr. DeGabriele.
UNANIMOUSLY VOTED

**50 Ocean Avenue – Notice of Intent
Map 4, Block 49, Lot 6
DEP File # 81-1113**

Cmmr. Tanner moved to open the public hearing, seconded by Cmmr. DeGabriele. UNANIMOUSLY APPROVED

Jeff Hassett, Morse Engineering Co. and owners, Douglas and Nancy Smock appeared before the Commission.

Mr. Hassett explained that this project is for the tear-down and construction of a single family dwelling. He said the property is approximately 6600 sq. ft. and is abutted by residential property on both sides, with the Fore River to the rear. The property slopes moderately from the road and there is a retaining wall at the bottom of the slope, coastal beach up to the retaining wall and, from the coastal beach, there is a 25-ft. no-disturb buffer and a 100-ft. buffer. No work is proposed in the velocity zone, elevation 15 (the house is (10) ft. above the velocity zone) and there is no work proposed in the no-disturb area. It will be the same foot print, with only minor grading change. The other work proposed is the gravel driveway in the front and the reconnection of the utilities. Erosion control barrier will be in place during

construction to prevent sediment from going into the wetland or river and any disturbed areas will be re-stabilized as soon as possible. He also stated the property does not have Riverfront area.

Cmmr. Tanner asked what the square footage will be and what will be the type of construction.

Mr. Hassett said it will be 37' x 32', plus a deck (the actual footprint will be 1,184 sq. ft.). It will be a wood frame with a concrete foundation and the elevation will be the same grade.

Cmmr. DeGabriele asked what the approximate distance is from the corner of the house to the no-disturb area.

Mr. Hassett replied that the deck area will be (49) ft. off the property line and about (30) ft. to the velocity zone outside the 25-ft. buffer, where they will just be pouring a footing.

Cmmr. DeGabriele asked how far the footing was from the 25-foot buffer; Mr. Hassett said it is about (5) feet.

Cmmr. Harbottle asked if all construction would be on the uphill side of the erosion controls; Mr. Hassett said it would be.

Cmmr. Harbottle asked if it would be basic frame construction; Mr. Smock said yes.

Cmmr. Harbottle expressed that she hoped all goes well with the concrete foundation, as opposed to pilings.

Ms. Schloss asked if any stockpiling would be necessary.

Mr. Hassett said there isn't much to stockpile or room for it on the property. He said anything stockpiled will be outside of the 25-ft. and some material will be trucked off site. He added that the wall will work as a barrier.

Ms. Schloss stated no long term stockpiling would be allowed.

Ms. Schloss asked if the deck would be elevated; Mr. Hassett said yes, with patio underneath.

Mr. and Mrs. Smock commented that they weren't quite sure what kind of patio they will be using - possibly pavers.

Ms. Schloss asked about the existing gravel parking in the front, and what type of material they will be using, advising that something more pervious than asphalt would be preferred.

Mrs. Smock said they would like the option to use asphalt.

Cmmr. Tanner said he was not opposed to asphalt and Cmmr. Harbottle said she didn't see it as a huge problem.

Ms. Schloss asked about tree pruning.

Mr. Hassett asked if tree removal would be included; Ms. Schloss said that the Commission can make that decision and said that it looked like some might need to be removed.

Cmmr. Tanner asked if it is necessary to remove any trees, will they be replaced.

Ms. Schloss asked if they would be native; Cmmr. Harbottle asked if there was a list of coastal native trees available.

Ms. Schloss said they were available on the Coastal Zone Management website.

Mr. and Mrs. Smock asked if any plantings behind the 25-ft. no disturb would have to be approved by the Administrator; Ms. Schloss said there is a minor exemption for native plantings.

Mr. Hassett said this project has not been approved by the Building Zone of Appeals and requested an extension until after Feb. 6th.

Speaking on behalf of the public, Mr. James Briggs of 54 Ocean Avenue said he was happy the work was taking place.

The Commission discussed the conditions for the project so the applicants would not need to attend the meeting when the vote would be taken.

Ms. Schloss explained the standard Conditions and said an as-built will be needed for the Certificate of Compliance and it will need to show:

- Foundation.
- Any impervious surfaces.
- The deck.

Also, language will be needed regarding:

- Stockpiling.
- No erosion beyond the erosion control barriers.
- The driveway can be asphalt.
- Patio pavers under the deck.
- Tree pruning and tree replacement, if any need to be removed.

Ms. Schloss asked how much asphalt would be needed; Mr. Hassett said enough for (2) parking spaces and asked if the parking location could be left unspecified.

Cmmr. Tanner moved to continue the discussion until Feb. 13th, seconded by Cmmr. DeGabriele.
UNANIMOUSLY APPROVED

Weathervane Development – Partial Certificate of Compliance

DEP File # 81-756 and # 81-963

Ben Hogan Landing, Lots 12-16

Fairway Landing, Lots 110-113

Tiger Terrace, Lots 3-6

Tee Time Lane, Lots 39-41

Appearing before the Commission were Jim Bristol and Carl Erickson, Bristol Brothers Development.

Mr. Erickson explained that this Partial COC is for (15) homes (one component of a larger filing). He said Con Comm hired Dr. Deshang Wang to do an overall review of the site and components of the (100) homes in the 100-ft. buffer.

Mr. Erickson said he, Ms. Schloss, Jim Bristol and Cmmr. Tanner were out to the site on Jan 22nd to do a review similar to Dr. Wang's. He said flags were put at the 25-ft. buffer and one particular area had a lot of historic debris that had to be cleaned up. Boulders were used to mark the 25-ft. buffer and in one area at the 25-ft. buffer, a different seed mix was planted so taller grass will grow. He said they are coming back to the Feb. 13th meeting in response to Dr. Wang's review.

Ms. Schloss asked how Colantonio developed their map; Mr. Erickson said they overlaid the permit plans onto progressive GIS aerial maps to get areas of encroachments or disturbances.

Cmmr. DeGabriele asked how close some dwellings are to the no-disturb area. He said that some of the properties only have (2) boulders and doesn't feel they are very effective at keeping people out of the no-disturb area.

Mr. Erickson responded by saying it is a large wetland area and, since they are condos, individuals wouldn't be mowing (condo maintenance would take care of it) and there is existing old tree growth.

Ms. Schloss said that in some locations, boulders are far apart and a few more wouldn't hurt.

Mr. Bristol said they will find more boulders.

Cmmr. Harbottle added that the boulders don't need to be huge and stated that on page 3 (Tee Time Lane and Fairway Landing) she didn't see any boulders.

Mr. Erickson said some of the 100-ft. buffer homes came in on the *amended* Order of Conditions. The 2nd OOC brought in some new conditions – one of which was asking for boulders.

Ms. Schloss said #40 has a stone wall and a steep slope and did not see any encroachment. She said #111 has a shrine on what is NOT their lot; Mr. Erickson said it is an 'exclusive use' area.

Cmmr. Harbottle asked how Dr. Wang's report relates to any of these lots.

Ms. Schloss said it was a complicated process with (2) OOC and tonight's discussion is just for residential units, where Dr. Wang's review was on the golf course and the cart path.

Ms. Schloss said she is okay with recommending the Certificate of Compliance for house construction. She said there is still some landscaping to be done which can be worded in the Partial COC. The house construction can be listed by units and "see attached notes on final grading and landscaping" can be added.

Mr. Erickson suggested adding 'want to look at new seeding in the spring' to the work list.

Ms. Schloss said 15 and 16 Ben Hogan are well away from the 25-ft., 12 and 16 are quite far away and asked if landscaping is done on 12, 15 and 16; Mr. Erickson said it was.

Ms. Schloss said:

- 13 and 14 need a different seed mix added: Mr. Erickson said this has been done.
- 5 and 6 Tiger Terrace will be folded into larger mitigation.
- 5 and 6 Tiger Terrace have outstanding encroachment issues.
- 12, 15 and 16 Ben Hogan are okay.
- 13 and 14: seeding to be confirmed, the no-disturb area will be allowed to grow in and an additional 1-2 boulders are requested.

Cmmr. DeGabriele asked if small 'Do Not Disturb' signs could be put up; Mr. Erickson said they would look into boulders as well.

Ms. Schloss commented there are a lot of roof drains that empty on the wetland side and she will look at these one more time.

Cmmr. Harbottle asked if the applicants could put up some money to guarantee the signs are put up.

Ms. Schloss said she would include that in the COC for all the homes and final landscaping.

Ms. Schloss concluded by saying:

- Additional work to be done can be looked at in the spring.
- Another Partial COC can be done on all the homes.
- Regarding the (4) homes left on Golden Bear – an inspection can be done for the Certificate of Occupancy and then they can come back for the COC for all the homes.

Cmmr. Tanner moved to issue the Partial Certificate of Compliance, seconded by Cmmr. DeGabriele.
UNANIMOUSLY APPROVED

9 Bridge Street - Certificate of Compliance DEP File # 81-1038 Amended

Appearing before the Commission was Ted Millette, Fore River Development who has been involved with these projects since August, 2000, the most recent of which is the restoration of a bulkhead and the demolition of a pier on the north parcel of Rte. 3A. He said the contractor is done but the seeding has not been done.

Ms. Schloss stated that the work on the bulkhead and riprap is done and the old wharf removed and the timber piles have been cut. She said there was a former detention basin that the MWRA used, but it was not built on their property so they had to abandon it. Part of the material excavated was put in the detention basin and covered over; this area still needs to be seeded. She said she is not comfortable issuing the Final COC until the seeding and restoration is done in that one area, but she is comfortable issuing a Partial COC and they can come back for the final in the spring.

Cmmr. Tanner moved to issue the Partial Certificate of Compliance, seconded by Cmmr. DeGabriele.
UNANIMOUSLY APPROVED

51 Performance Drive – Partial Certificate of Compliance
Libbey Industrial Parkway
DEP File # 81-290

No one on behalf of 51 Performance Drive attended the meeting.

Ms. Schloss said this Order is regarding the construction of a portion of Libbey Parkway on the Middle Street side; the Orders were recorded on different properties that are adjacent to Libbey Pkwy. The owner of 51 Performance Dr. is trying to be responsible and wants a release for the work done on their parcel - this would not be a final release for the whole project. There is a recorded Order of Conditions on this site but there is no Certificate that all the work has been done as it should have been. Pictures were provided to the Commissioners showing the drainage map with a drainage easement that goes through the property; the inlet is at the detention basin at Performance Drive and the outfall is by the Town's sewer pump station at Libbey Pkwy.

Ms. Schloss said she is comfortable issuing a Partial Certificate of Compliance for only this parcel.

Cmmr. Tanner moved to issue the Partial Certificate of Compliance, seconded by Cmmr. DeGabriele.
UNANIMOUSLY APPROVED

Harvest Ministries – Final Certificate of Compliance
270 Libbey Industrial Parkway
DEP File # 81-791

No one from Harvest Ministries attended the meeting.

Ms. Schloss said they were in before for a Partial COC for construction, drainage and roadway pavement, but mitigation planting still needed to be done; all has been done and has survived. She said they revised the Operation and Maintenance plan and seem to be on top of things and she is comfortable issuing a Final Certificate of Compliance.

Cmmr. Tanner moved to issue the Certificate of Compliance, seconded by Cmmr. DeGabriele.
UNANIMOUSLY APPROVED

Appointment to Community Preservation Committee

Ms. Schloss explained that Cmmr. Tanner had suggested that the Con Comm member of the CPC be done on a revolving basis. She spoke to Jim Clarke who recommended each person do a (2) month period.

Cmmr. Tanner asked when the CPC met and, when he was told it was the 2nd Thursday of each month, asked if this discussion could be moved to the next meeting.

Cmmr. DeGabriele asked if the Conservation Commission, in general, could be sworn in (to name all members); the alternative would be that no one from Con Comm would be on the Committee.

Ms. Schloss said she would find out and put the issue on the next agenda.

Other Business

See Weymouth Conservation Administrator's Report for January 23, 2013.

On-line training: Cmmrs. Dowd and Loring need to be asked if they have completed their training.

Agenda format and time management: Cmmr. Harbottle has asked if there are ways to anticipate times for agenda items and to improve time management during the meetings. Ms. Schloss said her suggestion has worked well; the items on this week's meeting were completed in less time than estimated.

Board of Appeals: Ms. Schloss has received a variance request to combine (2) lots to create a new lot on Greenvale Ave. and she has to write a letter in response. This is a lot that she has had some dealings with in the past: she has written a Notice of Violation along with a reminder of same. The owner lives across the street on Greenvale Ave.; he bought Lot C and has purchased Lot B. He started to clear the property and was told he can't clear or work within 100-ft. without approval. He wants to combine the lots to build a single-family home but his original lot is less than 5,000 sq. ft. (the minimum lot size is 25,000 sq. ft.) These lots are on the West Cove.

Ms. Schloss said he has filed with the Zoning Board of Appeals. He was told there was to be no cutting but he has done some cutting, removed vegetation, burned knotweed and now has planted a grass lawn. If ZBA approves this appeal he will be coming before Con Comm.

The members discussed issuing a violation notice prior to the ZBA decision or waiting until the decision is known before taking action.

Cmmr. DeGabriele moved to issue a Notice of Violation, seconded by Cmmr. Harbottle.
APPROVED 2 to 1; Cmmr. Tanner was opposed.

Further discussion was held and it was decided to:

- Rescind the previous vote.
- Notify ZBA of previous notices that were sent to the property owner.
- Inform ZBA of the potential for continuing violations.
- Take this matter up at a future meeting.

Cmmr. DeGabriele moved to rescind the motion to issue a Notice of Violation, seconded by Cmmr. Tanner.
APPROVED 2 to 1; Cmmr. Harbottle was opposed.

Cmmr. DeGabriele moved to notify the Zoning Board of Appeals, in writing, of the previous violations and potential for continuing violations, seconded by Cmmr. Tanner.

UNANIMOUSLY APPROVED

Tirrell Woods: restoration of wetlands connection through gravel access way. This area was used as part of the access for the Tirrell Woods project. It was part of an older, historic cart path with wetlands and a connection between the pond and the wetlands. A cross connection pipe was installed and, at the time of construction, it was determined that the wetlands would have to be restored. They are not planning to take down the slope completely but they will do a restoration area to create another wetland area to allow, in larger flood times, a connection between the pond and the wetland. Ms. Schloss said the square footage needs to be checked, but it looks good.

Conservation Report

LCI Sewer/Idlewell: Ms. Schloss said the Division of Marine Fisheries has some concerns about the shellfish beds and the very high bacterial counts; the Town will shut down the shellfish bed for the winter. She said the first few days of construction there was some sewage coming from the bypass pipe instead of dewatering the trench into the dewatering area they were putting it into the sewer manhole. (She may have been doing sampling around the time that happened.) Originally it was thought the bypass pumps would run 24 hours/day but the contractor has decided he doesn't want them running at night so they were connected on the bypass each morning and disconnected each night the bypass pumps have to be drained each night to prevent freezing. They are on notice there is bacteria there.

Mass. DOT Route 18 widening: Ms. Schloss has information on plans for temporary borings.

26 Massasoit: has filed a Notice of Intent.

75 Fennell Drive: ZBA special permit request looks like a building modification not requiring Conservation review.

Hunting Concerns: Complaints have been received about hunters near Great Esker Park. People are shooting towards homes, shotgun pellets have been found on private property. The Environmental Police said there is a group going to different towns (the law states a person has to be 500 ft.; these people may be at 501 ft.) Residents can put up No Hunting and No Trespassing signs.

Adjournment

Cmmr. Tanner moved to adjourn the meeting at 9:02PM and to meet again on Feb 13th in Town Hall Council Chambers, Weymouth, MA, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

Scott Dowd, Conservation Clerk

Date