

**MINUTES OF THE  
CONSERVATION COMMISSION  
MEETING OF  
JULY 24, 2013**

**Present:** Steve DeGabriele, Chairman  
George Loring, Commissioner  
Anthony Merlino, Commissioner

**Absent:** Scott Dowd, Commissioner Clerk  
Tom Tanner, Commissioner

**Also Present:** Mary Ellen Schloss, Administrator  
Lee Hultin, Recording Secretary

Commissioner DeGabriele called the July 24, 2013 meeting to order at 7:00 pm at the Town Hall, Council Chambers, 75 Middle Street, Weymouth, Ma.

**APPROVAL OF PRIOR MINUTES**

Cmmr. Loring made a motion to approve the minutes of May 29, 2013 as amended and was seconded by Cmmr. Merlino.

VOTED UNANIMOUSLY

Cmmr. Merlino made a motion to approve the minutes of June 12, 2013 as amended and was seconded by Cmmr. Loring.

VOTED UNANIMOUSLY

**Certificate of Compliance Request, 47 Tick Tock Lane  
DEP File # 81-345**

Mr. David Cunningham was present to represent the home owners.

Mary Ellen Schloss stated that she performed a site visit on July 19, 2013. There is a pool on the property and everything appeared to be in compliance.

Cmmr. Loring made a motion to accept the Certificate of Compliance and was seconded by Cmmr. Merlino.

VOTED UNANIMOUSLY

**Weymouth Salvage – Continued Violation Hearing  
307 Middle Street**

Mary Ellen Schloss stated that she performed a site visit on July 11, 2013. She had the following comments:

- The side slope next to the depression area is eroding. This slope should be repaired. Perhaps an erosion control blanket onto the slope and then adding loam and seeding.
- The stone swale is eroding in places and needs to be repaired. Larger stones may need to be used and it appears there are some on site that could be used.
- May consider using check dams or filter berms to slow the water down before it reaches the stone swale.
- Reseeding the bare area inside the silt fences.
- The slope at the northern end of the site with the tree stumps is not stable and is eroding. Erosion controls should be extended to this area, new slope created and seeding. Applicant should contact Mary Ellen Schloss to review.
- Remove loose debris by hand in the intermittent stream channel when it is not flowing.

After review of Mary Ellen's comments all members agreed with them. It was decided to give the applicant a deadline of September 11, 2013 to finish this work.

Cmmr. Loring made a motion to continue this hearing to September 11, 2013 with the understanding that everything in this letter is completed. This was seconded by Cmmr. Merlino.  
VOTED UNANIMOUSLY

**25 Rockway Avenue- Extension of Local Order of Conditions – Hearing**  
**Rockway Associates, LLC**  
**Map 37, Block 465, Lot 24 and 27**

Cmmr. Loring made a motion to open the public hearing on 25 Rockway Avenue at 7:15 pm and was seconded by Cmmr. Merlino.  
VOTED UNANIMOUSLY

Appearing before the Commission were Attorney David Kelley, Bill Lang and Bob Carter. They are requesting a two-year extension to the Local-Only Order of Conditions set to expire August 15, 2013 and requesting a change in the project from medical use to multi-family residential use.

Attorney David Kelly stated that this is an old armory site on Middle Street that they received a variance for. In 2007 and 2008 there was a severe market drop that affected this project.

This is a new project that is less intrusive than the old project. The old building was 12,000 square feet and the new one is 9,324. It originally had 233 parking spaces and now they are only looking for 86 parking spaces.

The applicant reviewed a visual display with the Commission. It has half the pavement and more landscaping in the design.

The public was given the opportunity to speak. There was no public comment.

Cmmr. Merlino asked if there would be a rear entrance and it was stated only an emergency egress.

Chairman DeGabriele stated that they had all agreed at the last meeting that the applicant should file a new NOI. The applicant stated that the ZBA approved this project unanimously and there were several public hearings with the neighbors and they were all happy with the new plan.

Cmmr. Loring asked now that there will be families living there how do you intend to protect the resource area? The applicant stated that there won't be many families as these units are all 1 and 2 bedrooms.

The applicant stated that they will come back before the Conservation Commission with a request for an amended Order of Conditions. The Administrator stated they are only eligible for a one year extension under the local ordinances.

Cmmr. Loring made a motion to close the public hearing on 25 Rockway Avenue at 7:40 pm and was seconded by Cmmr. Merlino.

VOTED UNANIMOUSLY

Cmmr. Loring made a motion to grant a one-year extension on the Order of Conditions under the Town Ordinances and was seconded by Cmmr. Merlino.

VOTED UNANIMOUSLY

**115 Ralston Road – Request for Determination of Applicability – Hearing**

**Edward & Denise MacDonald**

**Map 46, Block 497, Lot 28**

***Sunroom/deck***

Appearing before the Commission were Edward and Denise MacDonald and Skip Trott, the contractor.

Cmmr. Loring made a motion to open the public hearing on 115 Ralston Road at 7:43 pm and was seconded by Cmmr. Merlino.

VOTED UNANIMOUSLY

This is an RDA for construction of a sunroom over an existing deck and construction of a new deck. The sunroom and deck will be supported by Sonatube footings. The closest distance to the wetland is approximately 32 feet.

The applicant stated that when they dig the footings they will put the excess dirt in a dumpster and then backfill with it. They will be pulling out the old footers and putting in 12 inch Sonatubes.

There was no public comment.

Cmmr. Loring made a motion to close the public hearing on 115 Ralston Road at 7:46 pm and was seconded by Cmmr. Merlino.

VOTED UNANIMOUSLY

Cmmr. Loring made a motion to issue a negative three determination with the conditions set forth this evening on 115 Ralston Road and was seconded by Cmmr. Merlino.  
VOTED UNANIMOUSLY

**50 Ocean Avenue – Minor Modification Request  
DEP File #81-1113**

Mary Ellen Schloss stated that the applicant has withdrawn their request.

**100 Essex Street – Notice of Intent – Hearing  
William Kosonen  
Map 25, Block 331, Lot 2  
DEP File # 81-1124  
*Regrading, patio, driveway layout***

Appearing before the Commission was Shawn Hardy, Engineer. He also handed in all the abutter notifications to Mary Ellen Schloss.

Mr. Hardy stated that this home has been in the family for 90 years. This proposed project at this single-family home entails filling an area in the back yard within 100-feet of a BVW, constructing fill slopes (south and west sides of fill area), retaining walls (north side of fill area and around patio), constructing a new patio and expanding and existing driveway to 25 feet. The work is proposed in an area currently maintained as lawn and a compost site.

For erosion controls they will use hay bales and silt fences.

Cmmr. Loring made a motion to open the public hearing on 100 Essex Street at 8:52 pm and was seconded by Cmmr. Merlino.  
VOTED UNANIMOUSLY

Cmmr Loring asked if the compost area is being relocated and it was stated yes to an area below the slope but not in the wetland area.

Currently the sump pump hose is going into the wetlands and that needs to be addressed. The applicant stated that the hose will be cut back and directed into the crushed stone under the deck.

Water is a huge issue after a storm. They asked to move the erosion controls back about 3 feet so they are not grading right up to it.

The public was given the opportunity to speak and there was no public comment.

Cmmr. Loring made a motion to close the public hearing on 100 Essex Street at 8:05 pm and was seconded by Cmmr. Merlino.  
VOTED UNANIMOUSLY

Cmmr. Loring made a motion to issue a standard Order of Conditions including the appropriate plantings as agreed between the applicant and administrator.  
VOTED UNANIMOUSLY

**84-94 Broad Reach – Abbreviated Notice of Resource Area Delineation – Hearing  
Eastbay at Weymouthport Corporation, David Iantosca  
Map 3, Block 1, Lot 1  
DEP File # 81-1125  
*Confirm wetland resource boundaries***

Abutter information was handed into Mary Ellen Schloss by the applicant.

This Abbreviated Notice of Resource Area Delineation is to confirm wetland boundaries for Coastal Bank and Riverfront Area along the Back River.

Cmmr. Loring made a motion to open the public hearing on 84-94 Broad Reach at 8:15 pm and was seconded by Cmmr. Merlino.  
VOTED UNANIMOUSLY

Appearing before the Commission were, Mathew Watsky, CHA J. Hall Consultants, Gabe Crocker and Andrew Pojasek, Julio Poteo-Manager and Dave and Joe Iantosca, owners.

The applicant is taking the position that a portion of the property is exempt from the Riverfront Area regulations because it is an “historic mill complex” which is exempt under 310 CMR 10.58 (6) (k) of the Riverfront provisions. All that remains of the former mill complex are remnants of building foundations and a granite block retaining wall. Mary Ellen Schloss confirmed with DEP and MACC that these remnants actually constitute an “historic mill complex” and should be granted an exemption from the Riverfront rules. It was established prior to 1946 and in 1996 when the provision went into effect it only needed to have the waterside retaining wall.

Mr. Gabe Crocker stated that they performed a resource area delineation. There are several resource areas and no wetlands except a coastal bank. They established a Mean High Water Line. Based on regulations there is a secondary coastal bank. The flood plain elevation jumps as you get closer to Webb State Park.

Mary Ellen Schloss stated that the Town’s Engineering department had provided CHA with a MHW elevation of 10.41 (Town of Weymouth datum). She believed this elevation was outdated. In more recent town projects, the town has used an MHW elevation of 11.01 for the Lower Central Interceptor Sewer project and 11.36 for the Fort Point Seawall project. Mary Ellen will confirm with the DPW Engineering Department as to what our updated elevation level is.

Public Comment:

Paul Sheehan, Chairman of Weymouth Port Condominiums

Mr. Sheehan stated that the riverfront area designation they are looking for in this project is not applicable here. It has never been referred to as a "historic mill complex" or had a water wheel.

Roger Dealer, resident of Weymouth Port Condominium

He is very concerned that the contaminated soil in this area was buried in the two large hills and capped off. If this area is developed what will happen with the runoff?

Nancy Sealy, 73 Broad Reach Road

She would like to know what other factors will be taken into consideration by the Conservation Commission. Chairman DeGabriele stated that the Commission will only consider the applicant's request for the resource area delineation at this time as that is all that is before the committee.

Linda D'Angelo, President of Back River Watershed Association

Ms. D'Angelo stated that it took 27 years to clean up this site. The Back River Watershed Association would like to review all the maps, plans and be a part of the approval process. Mary Toomey won an award for her work on the Back River. It is the most important estuary in the North East and the town needs to be very careful and prudent in this decision.

There were no further public comments.

Cmmr. Merlino felt they did not have enough information presented. Cmmr. Loring agreed and requested more time to review.

Chairman DeGabriele stated that the issue of exemption is very critical and would like to get DEP's advice.

Cmmr. Loring made a motion to continue the public hearing to August 14, 2013 and was seconded by Cmmr. Merlino.

**VOTED UNANIMOUSLY**

All attending residents requested a copy of the plans and the aerial maps from CHA.

**CPC UPDATE**

The Community Preservation Committee has not met since the last Conservation meeting.

**OTHER BUSINESS**

- Final Comments, Weathervane Enforcement Order

Mary Ellen Schloss stated that she has received some comments but would like the committee members to forward theirs to her as well and she will revise the Enforcement Order to a final version.

- Update – MASS DOT Route 18 widening

Mary Ellen Schloss stated that there was a meeting with MASS DOT in early July. They will file an NOI in August for a hearing in September. There are three communities affected by this, Weymouth, Abington and Southfield. It is hopeful that there can be one meeting with all three communities. The impacts to Weymouth will be mitigated in Southfield. All committee members were open to a joint meeting at a central location. Mary Ellen Schloss will coordinate this.

#### Conservation Report:

*See Conservation Administrator's Report dated July 24, 2013*

#### LCI Sewer/Idlewell

- Reviewing punch list
- Will need herbicide treatment of *Phragmites australis* this summer/fall as required under the DEP Water Quality Certificate.

#### Mass DOT Route 3 resurfacing project

- Erosion control adjustment (site walk 7/22)
- Erosion control installation to begin 7-28. This will be night work.

#### Master Cleaners.

- Mary Ellen Schloss met on July 18 with Kevin Doherty (Environmental Consultant), Health Department, Plumbing inspectors and DPW to discuss proposed well.

#### Royden Road

- Violation hearing scheduled for August 14 meeting

#### Whitman's Pond Vegetation Management Plan Action Plan

- Follow up working group scheduled for July 31

#### Meeting with Mass DOT re: Route 18 expansion

- Mary Ellen Schloss has requested a joint meeting with Weymouth, Abington and Southfield.

#### 3 Healy Road

- Request re: deck prior to filing

### **ADJOURNMENT**

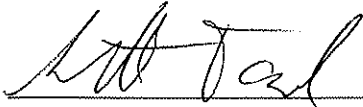
Next meeting is scheduled for August 14, 2013 at Town Hall.

Cmmr. Loring made a motion to adjourn at 9:30 pm and was seconded by Cmmr. Merlino.  
VOTED UNANIMOUSLY

Respectfully submitted by,

Lee Hultin  
Recording Secretary

Approved by:



Scott Dowd, Conservation Clerk

09/25/13

Date