

**MINUTES OF THE
CONSERVATION COMMISSION
MEETING OF
AUGUST 14, 2013**

Present: Steve DeGabriele, Chairman
George Loring, Commissioner
Anthony Merlino, Commissioner
Scott Dowd, Commissioner Clerk
Tom Tanner, Commissioner

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

Commissioner DeGabriele called the August 14, 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 June 26, 2013 as amended and was seconded by Cmmr. Tanner.

VOTED UNANIMOUSLY

**84-94 Broad Reach – Abbreviated Notice of Resource Area Delineation – Continued
Hearing**

Eastbay at Weymouthport Corporation, David Iantosca

Map 3, Block 1, Lot 1

DEP File # 81-1125

Confirm wetland resource boundaries

As Tom and Scott were not present at the last hearing they have both listened to the CD audio recording and have signed a “Mullin Rule” certificate in order to participate.

Appearing before the Commission were Matthew Watsky and Gabe Crocker. They explained that two action items were on the agenda for this evening. The first is the location of the Mean High Water and the second is the definition of the “historic mill complex”.

Cmmr. Tanner made a motion to reopen the public hearing on 84-94 Broad Reach at 7:15 pm and was seconded by Cmmr. Loring.

VOTED UNANIMOUSLY

Mr. Watsky stated that the Department of Public Works Engineering Department gave them a Mean High Water level of 10.41 (Town of Weymouth datum). After careful review of this it was determined that this was incorrect. There are two recent Town of Weymouth Projects along the Fore River. As part of the Lower Central Interceptor Sewer Replacement Project,

Environmental Partners Group had established a Mean High Water elevation of 11.01 in October 2011. As Part of the Fore River Avenue/Fort Point Seawall Elevation, Bourne Consulting Engineering established a Mean High Water elevation of 11.36 in April of 2013.

Based on their research, it is their professional opinion that the Mean High Water for the property located at 84-94 Broad Reach is at elevation 10.99 and not 10.41 as previously submitted. They have revised the Existing Conditions Plans accordingly to this elevation.

Mary Ellen Schloss stated that she received a letter from Weymouthport Condominium Trust.

Discussion on Historic Mill Complex – Mary Ellen Schloss said she made several phone calls to conservation attorneys and DEP and they said there was a wall when the dates were established on 8-7-96 and facilities prior to 1946. You don't need the buildings in existence today. The request for exemption seems to be appropriate for the request today.

Chairman DeGabriele said we note that DEP has a proposed regulation that would change the definition of Historical Mill Complex but it is only a proposal and we have to make our decision based on the current definition.

Mary Ellen Schloss stated that she received the revised plans yesterday along with the analysis on the MHW and she had the following comments, which were discussed as follows:

- She would like the revision date at the top
- Existing Condition Plans should include Riverfront Area
- EX1 dated 7-8-13 and ECP #2 & 3 there are a few small areas that differ along the waterfront. The new plans have smoothed out the radius area.
- The applicant will make new plans with changes as requested.

Paul Sheehan, Chairman of Weymouth Port Condominiums read a letter to the Commission. He stated that this area was a Tier IA Environmental Clean Up. Conoco Philips cleaned it up at a cost of millions. They oppose any exemption to the Rivers Act as this would open the land to be developed. He believes there are inconsistencies in the reference to the retaining wall, seawall and foundation wall. This exemption was for upstream rivers and not tidal rivers where there is a storm surge.

Linda D'Angelo, President of the Back River Watershed Association – she stated that she agrees with Mr. Sheehan's comments. In 1986 the Back River was put on the historical places. It has a wildlife sanctuary, estuary, fisheries, a large Herring Run and designation of a local scenic river. Because this land is capped and the Commission does not have all the facts before them, they are concerned for the Back River.

Chairman DeGabriele clarified that the Commission is here this evening to decide where the resource line is and that they do not have any information on a future project.

Cmmr. Loring made a motion to close the public hearing on 84-94 Broad Street at 8:10 pm and was seconded by Cmmr. Tanner.
VOTED UNANIMOUSLY

Discussion:

Chairman DeGabriele stated that to him the wall serves multiple purposes, foundation wall, seawall and retaining wall. Cmmr. Tanner agreed with this comment.

Cmmr. Tanner made a motion to accept the plans to approve the delineation resource plan and was seconded by Cmmr. Loring
VOTED UNANIMOUSLY

Mary Ellen Schloss stated that she would like the new plans before the 21 days. It's an important resource area and she hopes the applicant will come before them when they have a plan.

Lots 5 & 6 Jacob's Lane – Notice of Intent – Hearing
Bristol Brothers Development
Map 27, Block 352, Lots 54 & 55
DEP File #81-1123 (lot 5), DEP File # not available (Lot 6)
Two single family homes

George Loring made a motion to open the public hearing on Jacob's Lane at 8:26 pm and was seconded by Cmmr. Tanner
VOTED UNANIMOUSLY

Mary Ellen Schloss stated that all abutter information was handed in.

Originally there was one file # for the two homes and the Commission asked them to separate them. Bristol Brothers has filed for two numbers with DEP. We haven't received the second file number yet.

Appearing before the Commission was Jim Bristol Jr., Jake Bristol and Jim Bristol III.

The house shown on the plans is the maximum size they would build. They filed new NOI's for both lots. There is no work proposed within the 25 foot wetland buffer zone.

Cmmr. Tanner asked what the setback was and it was stated about 30 feet on lot 5 and lot 6 is a little more. The land grades from the street down the hill and back to the wetlands. Both homes will have a full walk out basement and raised sunrooms.

Cmmr. Tanner asked if the home on lot #5 could be moved 5-6 feet away from the wetland line. It was stated that the house that gets built could be smaller.

Mary Ellen Schloss stated that on her site visit she noticed a lot of standing water by the foundation. It was stated that when the road was built the drainage pipes never got finished and still need to be extended.

Cmmr. Dowd recommended a post and rail fence along the 25 foot no disturb zone. Cmmr. Tanner would like to see large boulders instead of a fence.

Mary Ellen Schloss stated that there are currently three OOC's on these properties that need to be closed out. She would like to see some plans showing the grading, and the extension plan for the drainage pipes. Also, she would like to see any proposal for cutting trees and a plan that would show what a smaller house would look like.

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

Cmmr. Loring made a motion to continue the public hearing on Jacob's Lane to September 11, 2013 and was seconded by Cmmr. Merlino.

VOTED UNANIMOUSLY

Weathervane Golf Course Development – Violation Hearing
DEP File #s 81-756, 81-963
Bristol Brothers Weathervane Golf Course

View #1 – shows proposed plantings and a footbridge. The footbridge will be on cinderblocks and the bridge will be permanent.

View #3 – is along the 7th fairway from the cart path towards the wetland. This plan will add plantings and allow the existing turf to grow back to a natural state.

View #4 – Is over 5,000 square feet of plantings. Mary Ellen would like to see the layout of the plantings and would like to do a site visit.

Mary Ellen Schloss will draft an approval letter and send it to all the Committee members prior to the September 11th meeting.

Offsite Trail – The Bristol Brothers are working with the Department of Public Works but the Director just resigned so things are on hold for a little while. The trail is so overgrown that you can't go through it.

Underdrains – It was stated that the 4th, 7th and 8th drain all fall within the wetland area. Mary Ellen Schloss will look at all of them.

3 Healy Road – Request for Determination of Applicability – Hearing

Thomas Crohan

Map 24, Block 318, Lot 102

Replace shrubs, extend deck, install patio, rebuild bank

The applicant turned in all the abutter information to Mary Ellen Schloss.

Cmmr. Loring made a motion to open the public hearing on 3 Healy Road at 9:25 pm and was seconded by Cmmr. Tanner.

VOTED UNANIMOUSLY

The applicant stated that they would like to extend the existing 10 x 12' deck by adding 10 x 24' addition. Install a new 12 x 16' patio and remove 9 arborvitaes trees that are damaged and create a transition into the wetlands with native plantings along the border of the lawn.

Mary Ellen Schloss stated that the proposed plants are very low growing and she would like some posts/marker that would state this is a conservation area. The applicant would prefer not to put up a fence but make it a more natural transition.

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

Cmmr. Dowd made a motion to close the public hearing on 3 Healy Road at 9:37 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 and was seconded by Cmmr. Tanner.

VOTED UNANIMOUSLY

35 Royden Road – Violation Hearing

Michael Murray

Map24, Block 517, Lot 40

Cmmr. Loring made a motion to open the violation hearing on 35 Royden Road and was seconded by Cmmr. Dowd.

VOTED UNANIMOUSLY

It was stated that the debris needs to be removed from the wetland area. There are about 10 cords of wood stored adjacent to the wetlands on his neighbor's property and this needs to be moved onto his property. He stated that he has a letter giving him permission from his neighbor. The commission decided that this debris needs to be removed by October 1st and then he should put down conservation seed mix. Wood can be utilized from the existing piles; new wood should be stacked in an area on his property.

Cmmr. Merlino asked if there are any regulations through the fire department on how much wood can be stored. Mary Ellen Schloss can check on this.

The applicant must file an NOI for the garage by October 8, 2013.

Cmmr. Tanner made a motion to issue an Enforcement Order as discussed this evening and was seconded by Cmmr. Loring.

VOTED UNANIMOUSLY

1366 Pleasant Street – Notice of Intent – Hearing

Christopher Bethoney

Map 23, Block 302, Lot 18

DEP File #81-1126

26 x 32' Townhouse

Cmmr. Loring made a motion to open the public hearing on 1366 Pleasant Street at 10:00 pm and was seconded by Cmmr. Merlino.

VOTED UNANIMOUSLY

Mary Ellen Schloss stated that she received all the abutter information from the applicant. This is an NOI for a two-family town house with associated parking and utilities within the Riverfront Area for Herring Brook. The site had a house on it some time ago but the house burned down. Mr. Jeff Richards has requested that the old structure be removed. Any runoff from the site will enter the catch basins that discharge into the river. It was stated that this is a proposed 832 square foot home.

There will be some foundation plantings, silt fence and erosion control blankets will be used, there will be a crushed stone base in place during construction.

The commission would like a full package on this showing storm water discharge analysis, why the property will be improved to meet the standard of the regulations.

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

Cmmr. Loring made a motion to continue this hearing to September 11, 2013 and was seconded by Cmmr. Tanner.

VOTED UNANIMOUSLY

CPC UPDATE

Cmmr. Loring stated that the CPC has not met since the last Conservation Meeting and therefore there is nothing to report.

OTHER BUSINESS

Chisholm Road Drain Repair --Discussion

A drain pipe between 55 and 61 Chisholm Road has broken and needs repair. The drain outlets into the Old Swamp River. The DPW would like to construct a new pipe adjacent to the existing pipe, abandon the existing pipe in place and construct a new outfall with a rip-rap pad.

Mary Ellen Schloss has reviewed the site with DPW and agrees with it. The Committee members all agree with approving this.

Douglas Smock
15 Ocean Ave

The applicant wants to extend his deck by an additional two feet. There are proposed footings at the end of the deck which will require excavating. Mary Ellen is in favor of this as it keeps them on the deck rather than on the slope.

All Committee members agree with this approval.

CONSERVATION REPORT

See Administrator's report of August 14, 2013.

ADJOURNMENT

Next meeting is scheduled for September 11, 2013 at Town Hall.

Cmmr. Loring made a motion to adjourn at 10:55 pm and was seconded by Cmmr. Tanner.
VOTED UNANIMOUSLY

Respectfully submitted by,

Lee Hultin
Recording Secretary

Approved by:

  

Scott Dowd, Conservation Clerk Date