

TOWN CLERK

**Weymouth Conservation Commission
McCulloch Building
182 Green Street, Weymouth
October 24, 2012 Meeting**

Present: Laura Harbottle, Chairperson
Steve DeGabriele, Vice Chairman
Scott Dowd, Commission Clerk
George Loring, Commissioner

Also Present: Mary Ellen Schloss, Administrator
Recording Secretary: Patricia Fitzgerald

Cmmr. Harbottle called the October 24, 2012 meeting to order at 7:00PM, in the McCulloch Building, Weymouth, MA.

Minutes

Cmmr. Dowd moved to approve the minutes for Sept. 26th, seconded by Cmmr. DeGabriele.
UNANIMOUSLY VOTED

**579 Commercial Street, Informal Discussion re: Pending Application
Map 13, Block 177, Lot 28**

Appearing before the Commission were Kevin and Grace Sullivan, owners of 579 Commercial Street. Mr. Sullivan explained this property has a wetland, between Essex and Jaffrey Streets, and a large sewer easement (the line was replaced (5) years ago) that is less than (10) ft. from the house. They are before the Commission because they have their 18-month old handicapped grandchild living with them and more space is needed for medical equipment the child needs; they want to extend the side pantry door by (4) ft. Because they are close to a wetland, a waiver is needed; they will need to dig, but they will not disturb the wetland and don't plan on taking down any trees.

Mrs. Sullivan said they need to know what they should tell the architect regarding the limit of work.

Cmmr. Harbottle stated that, if Ms. Schloss is helping with ideas to limit any impact, the Commission will follow her suggestions.

Ms. Schloss said it is within the 25-ft., in an area that is mostly stone with no natural vegetation. She explained that she suggested to Mr. and Mrs. Sullivan that they may want to talk to the Commission to discuss some possible alternatives.

Cmmr. DeGabriele said he wants to make sure that it's the only practical way to make it work to satisfy their needs. He explained that the Commission prefers that nothing be done in the no-disturb, but, as it's only (4) ft., he'd feel comfortable with it.

Cmmr. Dowd said he is not opposed, and then asked if a handicapped ramp was needed; Mrs. Sullivan said they don't know as he is not walking yet.

The Commission members all said they were not opposed.

Mrs. Sullivan said that was all they needed and thanked the Commission for their time.

607-609 Pleasant Street, Roadway Sewer Main Extension – Notice of Intent – Hearing (MA General Laws and Local Wetland Protection Ordinance)
Clean Harbors, Heath Parker
Map 39, Block 475
DEP File # 81-1111

Cmmr. Loring moved to open the public hearing, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Appearing before the Commission were Patrick Roseingrave (PE, PLS) and Heath Parker, Clean Harbors representative. Abutter notifications were submitted.

Mr. Roseingrave explained that this is an application by Clean Harbors to extend a sewer in a private road at the entrance to J. F. Price Company. He recalled for the Commission that 3-4 years ago a sewer approximately (1100) ft. was brought in from Pleasant St., along a private road, for the first Clean Harbors building at 609 Pleasant St. He said there is a second building at 607 Pleasant St. and they want to extend the sewer approximately (350) ft. along the roadway and then they'll turn (150) ft. toward the building to pick up sewage that now goes into a septic tank. He said they also want to replace an oil and gas separator and discharge that into the town sewer, as well.

He stated that recently the Commission approved a gas main on the other side of the street; they are extending the sewer opposite from where the gas main work is being done. They will install hay bales and they do not expect to hit water in the trench but, if they do, they will discharge the water into a special dewatering tank and clean it before it goes back to the wetland. He added that the trench will be 5-6 ft. deep and they expect it will be a pretty straight-forward job.

Cmmr. DeGabriele asked why they are replacing the oil/water separator system.

Mr. Roseingrave said because it is about (30) years old.

Cmmr. Loring stated he wanted to make sure the new separator has a maintenance schedule.

Cmmr. Harbottle asked for an explanation of the special tank.

Mr. Roseingrave said this is the first time this tank is being used, as it was specially made for this project. He said water gets purified in a 'truck' and then is put back in the wetlands. He said it should be fairly easy to clean as there won't be any contaminants-they'll only find gravel, sand, loam and silt, but no oil.

Cmmr. Harbottle said she has same concerns because there is so much wetland.

Ms. Schloss asked if the oil/water separator has DPW approval.

Mr. Roseingrave said they have approved it, but they were more interested in sewer grades and metals. He added that it is a state recommended oil separator.

Ms. Schloss asked if floor drains are being connected.

Mr. Roseingrave said yes; sometimes a little oil gets in the drains but it is standard operating procedure.

Ms. Schloss said standard conditions would apply (close trench at the end of the work day, dewater any ground water that is found). She then asked how long it would take and if erosion controls will be used along the entire line.

Mr. Roseingrave said J.F. Price Co. will do the work which will be done in (1) week and they will be using hay bales and a silt fence.

Ms. Schloss OK'd the hay bales and said that straw wattle and silt socks are what is favored these days. She said standard conditions will apply, along with the other conditions mentioned, and this project is good to go.

Cmmr. Harbottle asked if the gas main project had begun yet; Mr. Roseingrave said they've installed silt fence along 70% of their work.

No one from the public was present.

Cmmr. Loring moved to close the public hearing, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Cmmr. DeGabriele moved to issue an Order of Conditions with the same conditions as the gas main project (as appropriate), seconded by Cmmr. Loring. UNANIMOUSLY VOTED

Lot 7 (#19) Cardinal Circle – Final Certificate of Compliance
Map 27, Block 351, Lot 22
DEP File # 81-1035

Ms. Schloss said this is the home that had a restoration area and is part of a 9-lot subdivision. There is a vernal pool adjacent to the house and part of the Order of Conditions included a restoration area to be naturalized, as it was impacted by construction. She said she looked at it a year ago and found that the boulders were not large enough or set it properly, and there were some issues with some of the bushes. She said it looks good but the homeowners have left some grass clippings and have mowed where they should not have. Ms. Schloss has spoken to them and they have agreed not to mow and they'll let the area naturalize. She said some of the growth is getting dense and will become more of a barrier; arborvitae, white fir and forsythia have gotten big and look healthy.

Cmmr. DeGabriele asked if a letter could be put with the Certificate of Compliance.

Ms. Schloss said she is sending the COC to the builder and she will send a copy to the home owners along with the letter.

Cmmr. DeGabriele moved to issue the Certificate of Compliance along with a letter to advise the home owners of their continuing responsibilities, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Other Business/Conservation Report

72 Randolph Street: Cmmr. DeGabriele reported that all the pots that had been removed from by the stream and taken back towards the house are back by the stream again. The trash container should be moved away from the bank of the stream, and cars should not be parked in the no-disturb area.

Ms. Schloss said she would write them a letter explaining their responsibilities and that the process of enforcement can lead to fines.

186 Main Street: Ms. Schloss reported that she has put together a draft Order of Conditions which she handed out for the Commissioner's review and she has given it to David Kelly who is comfortable with it.

Cmmr. Dowd asked about referring to the specifics regarding the posts north of the vernal pool, in respect to following the guidelines set down by the Natural Heritage Endangered Species guidelines; Ms. Schloss will check on those specific details.

Cmmr. Dowd asked if the grades should be re-checked; Ms. Schloss said yes; the existing grade is a 1:1 slope and doesn't make sense to fence it.

Cmmr. DeGabriele said that Mr. Kelly said he was going to level the area out.

Ms. Schloss said it wasn't on the plan (it was in the 100-ft.) and Mr. Kelly may request it (a fence?) as part of the change (she thought if it were a steep slope and vegetated maybe a fence isn't wanted).

Cmmr. DeGabriele commented that if Mr. Kelly indicated in a hearing that he did not intend to put up fence and would level it out, then he has to come in to get the fence approved.

Cmmr. Harbottle agreed it would be good to spell it out.

Cmmr. DeGabriele asked if #27 should be changed to 'approve, approve with conditions or deny' in place of 'approve'.

Ms. Schloss said she had talked to Mr. Kelly about his concerns about the timing issue. Ms. Schloss said she has made some wording changes; Mr. Kelly suggested (regarding submission of the plan) that "prior to construction, the Commission has up to (X) days to review it".

Cmmr. DeGabriele suggested adding that 'the applicant may extend the period'.

Ms. Schloss said she asked Mr. Kelly if he was intending that construction period runoff be discharged into the pool; Mr. Kelly said he didn't think so.

Condition #41 was discussed: Ms. Schloss said they have to provide erosion controls and she will cross reference Condition #41 with #24.

The 60 day time frame to approve construction period erosion control plans was discussed; Ms. Schloss said it may be extended.

Cmmr. Harbottle suggested removing the time frames and changing the wording to “will be done as expeditiously as possible”.

Cmmr. Harbottle asked if the 30-day period included appeal period; Ms. Schloss said no, this is just internal.

Ms. Schloss said she will talk to Mr. Kelly about removing time frames and changing to “expeditious manner”.

35 Fieldstone-Request for Determination: This is the project for construction of a sunroom on top of an existing deck - instead of a 1-story they would like to do a 2-story and wanted to confirm it was okay with Con Comm. They are still talking about (3) additional footings but are now thinking of using ‘helical’ footings. Commissioners agreed that this change did not need additional approvals.

Lot 2 Autumn Lane DEP # 81-1073: This is the property with the (20) foot wall. The land has been sold to Ken Ryder who wants to extend the wall into the 25-ft. The Commission determined a new Notice of Intent will be required for the change as proposed. Commissioners questioned whether the house could be moved closer to the street to avoid working in the no-disturb area.

Tree removal request: Ms. Schloss has received a request from some new homeowners to remove some trees that have limbs overhanging the house. Some of the trees are in the no-disturb area. Commissioners asked if it was a safety issue. It was determined that the issue of safety needs to be determined by an unbiased person and the owners will need to submit a Request for Determination if it is not an imminent safety issue.

Community Preservation Committee: As the Con Comm representative on the CPC board needs to be replaced, it was suggested that the new Con Comm member also be able to participate on the CPC.

Weymouth Salvage: Ms. Schloss has talked to DEP. The Regional Director said he would speak to Cathy Kiley about doing a couple of test pits in the meadow area but he made no promises; it was more of a suggestion for the LSP. Ms. Schloss said that DEP has to have evidence, and a trail, and said the neighbors are complaining of an odor.

Cmmr. Harbottle stated that the odor in the meadow area is an unnatural smell.

Cmmr. DeGabriele said that if DEP doesn’t get the LSP to do a resource area assessment, he strongly recommends writing to DEP about buried material (including oil and hazardous waste) in the wetland and said:

- It is not unreasonable to think that contamination would be present, as there has been car activity there for (50) years.

- Material might be found someday, and it could be that Con Comm had only asked for planting to be done.
- DEP should be asked to do a bit more and the Commission wants it on record.
- Wait to see if DEP is doing assessment.

Cmmr. Harbottle remarked that she didn't think it would be out of line for a letter to be sent to DEP.

Ms. Schloss said she would follow up with Ms. Kiley in a few weeks. She then explained that the Enforcement Order has a specified time frame and Con Comm has to follow up at the appropriate time, which she thinks is within the next few months.

Cmmr. Harbottle expressed that, by then, it might be too late and recommended that all the members go out to Weymouth Salvage.

Year End Close-outs:

- Belmont St. Enforcement Order – restoration is done and Steve Ivas has provided the monitoring report, but the as-built hasn't been received yet. Ms. Schloss has taken measurements and the slope looks good; she stated that she did not think an as-built was necessary, however, she did notice a small encroachment into the Town land in the vicinity of the bird feeder. She stated that she needs to close the matter and respond to the wetland scientist. The question of encroachment onto Town owned land was raised. Ms. Schloss said is aware of it; she has talked to Jim Clarke about 35 Regatta Road and other properties and she will notify home owners on a case-by-case basis.
- Idlewell Blvd. sewer project is starting within the next month. The Order of Conditions states that erosion control stakes need to be looked at, in case some adjustments are needed. Ms. Schloss said Steve Ivas, who has been hired as the wetland scientist/environmental monitor, will be on-site during the project.

Adjournment

Cmmr. Loring moved to adjourn the meeting at 8:55 PM and to meet again on Nov. 14, 2012 in Town Council Chambers, Weymouth, MA, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

Scott Dowd, Conservation Clerk

Date