

**MINUTES OF THE
CONSERVATION COMMISSION
November 13, 2013**

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

Absent: George Loring, Commissioner

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

Commissioner DeGabriele called the November 13, 2013 meeting to order at 7:00 pm at the Town Hall, Council Chambers, 75 Middle Street, Weymouth, Ma.

73 King's Cove Beach Road – Request for Determination Hearing
Evangelina Baez
Map 6, Block 55, Lot 21
(after-the-fact deck construction)

Cmmr. Tanner made a motion to open the public hearing on 73 King Cove Beach at 7:05 pm and was seconded by Cmmr. Merlino.

VOTED UNANIMOUSLY

All abutter information was handed into Mary Ellen Schloss.

This is an after-the-fact Request for Determination regarding a deck that was constructed on Land Subject to Coastal Storm Flowage (100-year coastal floodplain) and within 100 feet of a salt marsh. The deck is elevated and constructed on four Sonotubes. King's Cove Beach Road lies between the deck and the salt marsh.

The applicant stated that it is 34.7 feet long and 7 feet wide and it's built on existing footings.

Cmmr. Tanner asked if there was a deck there before and it was stated no, but the footings were there. He visited the site and it looks ok. The construction looks very sound and it was a good job. He is just unhappy that it was done prior to coming before the Conservation Commission.

Mary Ellen Schloss said Ms. Baez also needs a variance from the Zoning Board, which she is going to this evening and then she will file for a building permit.

The public was given the opportunity and the following residents were present and in support of the project.

The enforcement order allows him to use up the wood during the winter months and any new wood brought onto the property has to be put in a new location agreeable with the Commission.

Mr. Murray said he has moved about half of the wood pile to the garage and used some of it. The rest is going along the border of his property to the back.

There is a pile of material that also needs to be removed and his machine broke but the rest of it will be done by hand over the next few weeks.

He needs to get a variance from the BZA on the garage or another option was to get a few feet of land from his neighbor. He intends to purchase the land from his neighbor.

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

Cmmr. Tanner made a motion to close the public hearing on 35 Royden Road at 7:35 pm and was seconded by Cmmr. Merlino.

VOTED UNANIMOUSLY

Mary Ellen Schloss stated that the wood storage area will be in the northwest side of the property. The wood pile will remain 10 feet from the lot line so it doesn't encroach in the right of way existing or former. It will also be outside of the 25 feet no disturb area. He will not be able to get a Certificate of Compliance without a building permit. The Enforcement Order requires a report to the Commission by May 15th of each year until the wood is removed.

Cmmr. Tanner made a motion to issue an Order of Conditions with the conditions discussed this evening and was seconded by Cmmr. Dowd.

VOTED UNANIMOUSLY

363 Neck Street – Notice of Intent Hearing

DEP File #81-1136

Map 5, Block 13, Lot 21

(swimming pool, retaining wall, garage addition, sewer connection reconfiguration)

Cmmr. Merlino made a motion to open the public hearing on 363 Neck Street at 7:39 pm and was seconded by Cmmr. Tanner.

VOTED UNANIMOUSLY

This is a Notice of Intent for construction of a garage, reconfigured driveway, reconfigured drainage, stairway, swimming pool and retaining wall within Land Subject to Coastal Storm Flowage and the Buffer Zone of a Salt Marsh.

Appearing before the Commission was Pat Sullivan, owner and Paul Seaberg from Grady Consulting. A new plan (revision date of November 12) was submitted to the Commission. Mr. Seaberg stated that the sewer drain runs right through the proposed pool and it will need to be relocated around it. The pool will be approximately 12 x 30 feet with an apron around it. The proposed deck size is 6 x 12 feet and a proposed garage is 15 x 24 feet. The deck will be from

The amendment request describes the change to the requested plan (from medical office to multi-family residential). There will be less impervious surface. A stormwater management report is included in the filing. The original Order of Conditions allowed the filling of the isolated wetland; this amendment would incorporate the wetland into the stormwater management system.

David Kelly, 45 Braintree Hill Office Park, Braintree, Ma stated that this is a request to amend an existing Order of Conditions issued under the local Ordinance only.

Mr. Kelly stated that they received a special permit to build 43 residential units. The parking has decreased more than 50% and the landscaped area has increased.

Bob Carter, Engineer with HW Moore – said there are 43 units and 86 parking spaces on the proposed plan. They meet all the stormwater standards. The Old Swamp River water supply will be well protected. The entire property will be ringed with erosion controls and the wetland in the back will also be protected.

Cmmr. Tanner asked if the dumpster could be moved away from the wetland and it was stated that they are trying to be a good neighbor and not have it close to the abutters. It will have a large fence around it to prevent blowing trash.

Cmmr. Tanner stated that he is very pleased with the new proposal.

Mary Ellen Schloss stated it is an improvement over the prior plan. She would like to see more detail in the maintenance plan. She would like to see the catch basin and forebay inspected four times a year and possibly see inspection reports.

All trees that are proposed for removal will need to be flagged prior to the walk through.

The hay bales will be removed in the places he will be landscaping. Where they are not visible he will let them decompose.

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

Cmmr. Tanner made a motion to close the public hearing on 25 Rockway Avenue at 8:46 pm and was seconded by Cmmr. Dowd.

VOTED UNANIMOUSLY

Notes on Special Conditions:

Storm management plan and maintenance part of ongoing conditions

Marking the trees prior to removal

Long term access for the forebay

Create an inspection checklist.

Cmmr. Dowd made a motion to issue an Order of Conditions with the conditions discussed this evening and was seconded by Cmmr. Merlino.

Schloss has conducted a site visit with the owner and recommends issuing a Certificate of Compliance.

Cmmr. Tanner made a motion to issue a Certificate of Compliance on 401 Neck Street and was seconded by Cmmr. Dowd.
VOTED UNANIMOUSLY

Iron Hill Dam – Request for Certificate of Compliance
DEP File #81-1099
Weymouth DPW

This project entailed modifications to the Iron Hill dam to comply with a Dam Safety Order from the Mass DCR Office of Dam Safety. The old spillway was removed and a new spillway constructed and two new mechanical gates installed. The Town's engineering consulting firm has provided an as-built plan and a letter documenting the changes from the approved plan.

Mary Ellen said she met with Jay Donovan yesterday and this is all set to go. George Loring has some issues with the fencing and DPW will try to fix this to keep the kids out.

Cmmr. Dowd made a motion to issue a Certificate of Compliance on Iron Hill Dam and was seconded by Cmmr. Merlino.
VOTED UNANIMOUSLY

CPC Update

Cmmr. Dowd stated that the Whitman's Pond Working Group formally requested \$25,000 from CPC to prepare permitting documents for a winter lake-level drawdown. The funding that was approved for herbicide that we didn't follow through with, was still there and the CPC Committee closed it out, approximately \$70,000. CPC said they were committed to Whitman's Pond and suggested the working group come back for any additional funding requests.

Members asked why the town doesn't have a line item for maintaining Whitman's Pond. With that in mind, Arthur Matthews is recommending that town officials work with legislators to have the law changed that says we can't use CPC to purchase equipment such as the weed harvester and hydro rake.

Mary Ellen is trying to get these items on the Capital Improvement Plan as well.

Perhaps this time next year we will be dropping water levels in Whitman's Pond once the town has all the permits.

Other Business

Mary Ellen Schloss said there are two large athletic field projects, Legion Field and Pingree Field which both have wetlands on them. The town has requested that we attend a community town meeting to discuss the projects but our December meeting doesn't have anything on it at