

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

TOWN CLERK

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

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

Commissioner DeGabriele called the April 24, 2013 meeting to order at 7:00 pm at the McCulloch Building, 182 Green Street, Weymouth, Ma.

APPROVAL OF PRIOR MINUTES:

Cmmr. Tanner made a motion to approve the minutes of March 13, 2013 as amended and was seconded by Cmmr. Loring. VOTED UNANIMOUSLY

**35 Regatta Road
Order of Conditions, Discussion-Closed Hearing
DEP File #81-1117**

Mary Ellen handed out a draft order of conditions to be incorporated into the standard conditions under the “findings” section, wetland interests of significance were storm damage prevention and flood control. She stated that 310 CMR 10.30 (5), relative to future coastal engineering structures, would not apply because of the vegetation along the banks, (bank is not eroding).

The only change to the draft she handed out is adding #31 and #37. Pre-construction condition #30 was discussed among committee members, allowing the construction plans to be reviewed by the Administrator and not the Conservation Commission unless Mary Ellen feels she needs feedback from the committee. This process will allow things to move quicker for the applicant. Therefore, number #30 will state “Prior to the start of construction, the applicant shall provide revised plans for the review and approval of the Conservation Commission **and/or** its Administrator.”

Update on Boat: Mary Ellen stated that the Order of Conditions is separate from the boat issue. She is still waiting for information from other town departments on the boat. Cmmr Tanner asked if they made a formal request yet and it was stated not recently. Cmmr. Tanner asked Mary Ellen to let Jim Clarke know they are asking about it. There are two parts to this, the first is the damage to the resource and the second is what does the owner of the resource think about it. Mary Ellen will give the commission an update at the next meeting.

Ms. Schloss stated that the commission had previously said it was ok to prune the trees along the bank by LEC Environmental and she asked for confirmation on this so they can move forward. The commission confirmed it was ok.

Cmmr. Tanner made a motion to accept the order of conditions as put forth and was seconded by Cmmr. Loring. **VOTED UNANIMOUSLY**

**857-903 Pleasant Street – Order of Resource Area Delineation, Extension Request
DEP File #81-854 (Map 31, Block 404, Lot 2, Map 35, Block 407, Lot 43)**

James E. Bristol, Jr.

Continued from March 27, 2013

Ms. Schloss stated that she received a request from the applicant to continue this to May 8, 2013 to reflag the area.

Cmmr. Tanner made a motion to continue this to May 8, 2013 and was seconded by Cmmr. Dowd. **VOTED UNANIMOUSLY**

30 Sea Captains Way – Notice of Intent – Hearing

Timothy Condon

Map 62, Block 642, Lot 11

DEP File # 81-1118

New garage and breezeway for single-family home

Steve Ivas, Ivas Environmental was in attendance representing the applicant. He stated that this a garage 24 x 24 and a breezeway approximately 16.5 x 11.3. The lot is 2 Acres and is abuts the MBTA line. The majority of the lot is wet. The wetland resource is a red maple swamp. The lot is located on a cul-de-sac. The closest work is 31 feet away from the BVW. This lot drops drastically. There will be some erosion control but no grade changes. There is a catch basin in the street and a RCP outlet off the drainage easement.

Ms. Schloss stated that she received the abutter notification information from the applicant.

- The house construction did have an earlier OOC, DEP #81-322; does have Certificate of Compliance, issued September 1987.
- Reviewed the wetland line, its OK.
- Handed out photos for the members to review.

The public was given the opportunity to speak. There were no comments from the public.

Cmmr. DeGabriele asked Mr. Ivas to describe the nature of the project. Mr. Ivas stated that the foundation for the garage walls will be backfilled toward the rear of the garage (about 3 feet). The breezeway will have a foundation but no cellar. It will be a wooden construction with asphalt shingles. The runoff for the driveway will go into the two catch basin in the cul-de-sac. They are not sure if there will be gutters or not.

Cmmr. DeGabriele stated that he believes that dry wells are appropriate in this situation. One at the breezeway and garage and another at the southerly corner.

Because there will be fill coming onto the property the staging area will be to the south of the garage. They will follow normal building practices and feel it should take about 2 months. The fill will be to raise the breezeway and garage floor. There will be a crawl space/storage under the breezeway.

Ms. Schloss stated that the shed on the property has no permit and requested that they get one in the process. The trailer is parked adjacent to the wetlands with stone dust, is it possible to pull it back from the wetland edge and shore it up.

Discussion on conditions:

- Make sure no sediments get in the catch basins, if it appears they will then precautions will have to take place so this doesn't happen.
- Extend the erosion controls
- Infiltration of roof run off
- Soil stockpile to the southern part of the lot
- Performance standards
- Pull a permit for the shed
- Storm damage prevention

Cmmr. Loring made a motion to issue an Order of Conditions and was seconded by Cmmr. Tanner. **VOTED UNANIMOUSLY**

1294 Washington Street – Notice of Intent – Hearing

Steve Zeboski

Map 35, Block 407, Lot 36, Block 408, Lot 12

DEP File #81-1116

Two new 2-family residences, parking, utilities, drainage

Shawn Hardy, P.E., Hardy Engineering stated that he submitted an affidavit of service and certified abutters list to Mary Ellen Schloss.

This proposal is an existing single family residence with outbuildings in a state of disrepair. He would like to tear down the barn and remove the shed and renovate the interior of the existing residence. They would subdivide the property and put a two unit town house on the rear of the property and a 2 unit town house to the right of the property. Utilities will be brought in off of Washington Street. There will be a common driveway to minimize paving. All the runoff will be piped down to the detention basins in the rear of the property. The velocity is 1csf flow leaving there with 10 foot wide level spreader which ends up being a .19 ft per second. Scouring would not be an issue there. The detention basin is 29 feet from the wetland area. There is existing ledge to the back of the property. They have dug three test pits already. All trash and debris will be removed and the site will be cleaned up.

Public Comment:

Diane Oliverio, 2 Argyle Court – She is an abutter and never received notification of this. She has lived there since 1970 and over the years fill has been brought in to that property and she has had a lot of water problems over the past 7 years. She now gets water in her basement. She feels traffic is an issue in the area with Fratelli's and Prevettis. She embraces a home versus a strip mall but has some concerns. She would like to make sure the wetlands are protected as there are a lot of wildlife in the area.

Christine Kelly, 1276 D Washington Street – She lives in a condominium near the bottom of the ledge and currently gets water in her basement and is concerned it would get worse from run off and erosion. There is wildlife in the area and is concerned about noise and tree removal. She has a view of the woods and is not happy it will be cleared to build town houses. She thought this area was wetlands and is protected from building on it.

Corrine Waite, 1272 H Washington Street – She would like to know why they are only planning for a 100 year storm and not a 500 year storm. There is a stream that goes by her unit and wants to know what is to keep it from flooding. This is a major issue.

Claudia Murphy, 1274 F Washington Street – She has some of the same concerns, especially the water issues and the impacts on her. Most of the units are built on a slab because of the water table. She is worried her living room will flood.

Gloria Athanas, 1274 B Washington Street – She has water concerns. The stream has never been cleaned. There is a lot of trash, shopping carts etc. With all this concrete and removal of trees when heavy rains come the water will rise and she will be flooded.

June Vincent, 1276 A Washington Street – She has flooding concerns as the area floods with heavy rains and with the trees removed it will make it worse.

Johnathan Russell, 1274 C Washington Street – He has the same concerns. The brook rises about a foot or so and he is concerned that if you remove the trees and add a parking lot with more cement there will be more flooding.

Corrine Waite asked them to talk more about the storm water drainage.

Shawn Hardy stated that the proposed building and parking is behind where the existing barn is. All the trees on the ledge will stay there. There are only about 9 trees that will come down. The drainage was also designed around the trees. The detention pond is only $\frac{3}{4}$ of a foot deep and in a 100 year storm it will be dry 15 hours after the storm and goes into the ground. They designed for a 24 hour 100 year storm for 7 inches of water. It is a zone A and has not been given a flood zone elevation by FEMA.

Comments from the Conservation Commission:

Cmmr. Tanner asked what the width will be for the common driveway? Mr. Hardy stated 15 feet wide at the entrance and 22 feet in the back. Mr. Tanner's concern is two vehicles trying to get in and out at the same time. He feels the driveway would be better at 22 feet with a new curb cut. Board of Zoning Appeals will probably address this issue when it is heard. He stated the rear turn-around is too small. There doesn't seem to be enough room in the rear for several vehicles to turn around but he will let BZA handle this.

Cmmr. Tanner asked if these structures will have a basement? It was stated yes, but it will be at the level of the parking, walkout in the front of the building instead of the back. They will be of wood construction and the front of the building will look like the existing building so they all have the same look. He asked if the drainage off both the roof would go into the detention pond and it was stated yes.

Cmmr. Loring asked if there would be any fencing along the 25 foot no disturb line? Mr. Hardy said they would be willing to put up a post and rail fence post construction.

It was asked if there is a contingency if the ledge is too big? It was stated no, they just need to dig it with a hydraulic hammer.

Cmmr. Dowd asked if there were hay bales going up preconstruction, during construction and post construction with signs saying environmental resource areas, do not disturb. It was stated yes.

Cmmr. DeGabriele asked about the grading and moving of soil. It was stated that to the rear of the units there is an existing 90 contour that runs through it. Soil will be leaving the site. A more detailed sequence of construction was requested by Steve DeGabriele. He will visit the site as he would like to have a visual. He is not ready to vote this evening.

Ms. Schloss stated the following concerns:

- She would like to use the DPW for compliance with the storm water management standards.
- The BZA hearing is scheduled for May 15, 2013 and May 10th is the deadline for comments. She would like to wait until after the hearing to vote.
- Wetland delineation OK, except flag IE A-12 is down on the ground and needs to be rehung.
- Stream shown as intermittent on USGS map; appears to be less than ½ sq mile watershed from looking a Topo.
- Test pit data; need additional information to know that they have required depth to groundwater; may want observed test pits. Test pit #1 had a lot of fill.
- Infiltration basin, depth to groundwater – minimum 2 feet separation from seasonal high groundwater. Maybe the location of the detention pond could be moved.
- She would like to see all debris and trash cleaned up after completion.
- The roof drains: keep out of the stormwater basin. Can they drain into a rain garden or somewhere else.

- Access to forebay for maintenance.
- Long-term maintenance. Would need assurance and legal documents regarding homeowner's association etc.
- Flood elevation- she is uncomfortable with the FEMA flood map and wants to talk to DPW for more information.

Shawn Hardy responded by stating that the test pits did not show mottling because of the sandy soils. The flood plain was determined elevation at 82 and described his method. Mr. Ivas confirmed that this was a typical way to determine elevation.

Cmmr. DeGabriele asked him to consider making the basin smaller or move it away. He needs to have a better understanding of the site. The Commission would like to wait for the BZA to approve the plans because it could impact everything with Conservation.

Cmmr. Tanner stated that if the BZA continues their hearing then the Conservation Commission should continue our meeting as well.

Cmmr. Dowd made a motion to continue this hearing to May 29, 2013 and was seconded by Cmmr. Loring. **VOTED UNANIMOUSLY**

CPC Update

Ms. Schloss stated that there were no CPC meeting since the last Conservation meeting and therefore there is no update at this time.

Other Business

Ms. Schloss stated that residents in the Birches have requested some sand for the beach at the town-owned pond front at Morningside Path and Lambert Avenue. It is a real mess down there. The drain out fall is clogged and catch basins are surcharging over land and causing erosion.

Cmmr. Loring stated that if the storm water isn't working then the sand would just get washed away. Cmmr. Dowd feels the neighbors do not seem to value the area. He would like to see the neighbors and town work 50/50. The neighbors need to help clean up the area too.

Ms. Schloss stated that four trees are flagged to be removed at 15 Reidy Road along the stream. The resident is concerned that the trees will fall on their fence, into the pool or even on the children in the back yard. She stated that 9 Reidy Road has two trees on their property they would like removed as well. They are within 25 feet but Ms. Schloss would like a verbal approval from the commission to remove them. Commission members suggested that perhaps the residents could plant some bushes in exchange that are appropriate for bank stabilization. All members of the conservation Commission agreed with this.

Conservation Report

Ms. Schloss handed out an Administrator's Report for all to review. Town officials are meeting with a consulting firm tomorrow April 25th at 10:00 am to talk about fixing the problems with the flood control gate at Jackson Square. They can move forward with the proposal to CPC to fund the design once they have a cost estimate.

Master Cleaners will come back with a Notice of Intent. Their environmental consultant will be at the May 8 meeting.

Ms. Schloss is still trying to schedule Whitman's Pond vegetation management plan presentation for June 10, 2013.

The open space plan needs to be finalized. If anyone wants to work with Mary Ellen in reviewing and rating all conservation lands, please let her know.

Weathervane vernal pool visit is scheduled for Monday, April 29th at 1:00 pm.

Adjournment:

Cmmr. Loring made a motion to adjourn at 9:05 pm and was seconded by Cmmr. Tanner.
VOTED UNANIMOUSLY

Respectfully submitted by,

Lee Hultin
Recording Secretary

Approved by:

Scott Dowd, Conservation Clerk

Date