

**WEYMOUTH CONSERVATION COMMISSION
RECORD OF MINUTES AND PROCEEDINGS
Wednesday, October 22, 2014 - 7:00 p.m.**

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

Absent: None

Also Present: Mary Ellen Schloss, Conservation Administrator
Abby McCabe, Recording Secretary

Chairman DeGabriele called the October 22, 2014 Commission meeting to order at 7:00 p.m. in the Council Chambers, Town Hall, 75 Middle Street, Weymouth, MA.

Review of September 10 and 24, 2014 Meeting Minutes

On a motion made by Commissioner Tanner, seconded by Commissioner Loring, the Commission voted 5-0 to approve the September 10, 2014 meeting minutes as written.

The Commission changed the September 24 minutes to add “commissioner” to the top of page three in front of Loring, to add “at the request of the applicant” for the continued items 3, 4, 5 and 6 on page 1, to reword the last sentence on page 1 to build a ramp “towards the beach” instead of “going onto” and add the words “the top of” the bank on page 2.

On a motion made by Commissioner Dowd, seconded by Commissioner Tanner, the Commission voted 5-0 to approve the September 24, 2014 meeting minutes as amended.

**48 Lake Street – Notice of Intent – Public Hearing
Map 23, Block 302, Lot 8; Jared McHugh; DEP File # 81-1153
*Detached garage***

On a motion made by Commissioner Tanner, seconded by Commissioner Loring, the Commission opened the public hearing.

Jared McHugh, the applicant, was present. Mr. McHugh explained that he was proposing to construct a 28 ft. by 34 ft. garage in his backyard at the end of the driveway for storage of his vehicles and equipment. He said there was a steep slope but that his plans were not to fill the yard but to construct a front wall, a concrete pad with a foundation, and walk out at the back to provide additional storage.

Ms. Schloss distributed site photographs of the property to the Commissioners.

Commissioner Tanner expressed concern over the rear crawl space (due to the water levels), possible rodents, and that the garage is proposed within the 50-ft. buffer.

Chairman DeGabriele asked if the garage could be moved closer to the existing driveway and pool. The applicant responded that since the proposed garage is over 14 feet tall it needs to meet the side yard setback of 10 feet. He said the garage could not be located there because of the existing pool. Mr. McHugh said that, with this proposal, only a couple of small trees on the side and two existing sheds would need to be removed.

Ms. Schloss asked the applicant to clarify where the silt fence was to be located; Mr. McHugh responded that it would be on the water side of the picnic table. She also informed the Commission that a recent file review found an old violation from 1993 regarding tree cutting on the property. The violation letter was in the file but there were no further follow up notes regarding a resolution.

Commissioner Tanner recommended plantings and side access into the garage to keep further away from the rear buffer zone.

Commissioner Dowd agreed that a solid rear wall with plantings, and doors on the side of the garage, would be preferred.

Mr. McHugh said that he plans to purchase a pre-fabricated garage and would like to build as soon as possible or at least start the foundation before the winter. Ms. Schloss added that soil stabilization blankets or other form of erosion control will be needed to stabilize the soil before the winter.

Ms. Schloss asked where the excavated material will go. The applicant responded that it will be removed off site, and the little bit that will be reused can be stored on site or on the adjacent property that he owns. Ms. Schloss thought that would be okay as long as there were erosion controls in place.

Commissioner Tanner agreed that native plantings and trees, such as silver maple or river birch could be planted closer to the bank to stabilize the slope.

Chairman DeGabriele asked if there were any comments from the public and there were none.

On a motion made by Commissioner Tanner, seconded by Commissioner Dowd, the Commission voted 5-0 to close the public hearing.

On a motion made by Commissioner Tanner, seconded by Commissioner Dowd, the Commission voted 5-0 to issue the Order of Conditions for 48 Lake Street (DEP File #81-1153) for the construction of the garage with the following conditions:

- No stockpiling of excavated materials on site, except for what is going back in;
- Erosion controls to be installed, and the silt fence should curve upward at the ends;
- Add hay bales or straw wattles in front of the silt fence;

- The garage doors shall be on the sides and not the rear;
- Remove the fire pit to the rear of the garage;
- No mowing, no pesticides or fertilizers behind the garage;
- The applicant shall install plantings in the rear of the garage to stabilize and restore the area (at least three trees and shrubs at a density or quantity to be proposed by the Administrator and the Administrator to provide a list of native plantings to choose from);
- Some grading on both sides of the garage to allow for the side access;
- The digging and excavation work for the garage foundation shall be restricted due to the herring migration (not between April 15 and June 1);
- Pre-construction meeting and other standard conditions.

Weymouth Commons – Request for Final Certificate of Compliance
Corcoran Management
Map 37, Block 468, Lot 1
DEP File # 81-1119
Clubhouse improvements

Ms. Schloss informed the Commission that this request for a Certificate of Compliance for the clubhouse improvement was before the Commission in the spring but additional work was needed. She said the seed has now come up now and recommends approval.

On a motion made by Commissioner Tanner, seconded by Commissioner Loring, the Commission voted 5-0 to issue a final Certificate of Compliance for Weymouth Commons DEP File #81-1119.

90 Libbey Parkway – Request for Final Certificate of Compliance
Foxrock Properties
Map 33, Block 433, Lot 4
DEP File #81-1064
Parking lot expansion, wetland fill and replication

Shawn Hardy, PE of Hardy Engineering, project engineer, was present for the applicant. He explained that he submitted the as-built plan and the certification letter for the parking lot expansion. He believed the final work is substantially similar but there have been some changes to address the influx of water into the detention basin from an unexpected source. Mr. Hardy stated that the water was not coming into the basin when they were first working on it, but now it appears to be flowing all the time. Because the consistent water flow has raised the water level in the basin, the T-inlet was often submerged and was getting clogged. They addressed this by wrapping the T-inlet and putting a catch basin cover on the drain manhole to allow water to flow directly into the outlet pipe. Mr. Hardy further stated that the wetland replication area is 9,950 square feet.

Chairman DeGabriele asked who owned the land and who was responsible for the basin as he believed all parties should be involved in the basin's maintenance.

Ms. Schloss explained that there are three basins that were constructed originally under a 1985 Order of Conditions (DEP File # 81-290) and no Certificate of Compliance was issued and maintenance of the basins was not clear or identified. She said the replication work by Foxrock looks excellent and asked that the square footage of the replication area be shown on the plans.

Mr. Hardy stated that the top of the forebay is 2 feet higher than on the approved plans.

Ms. Schloss suggested all of the contributing property owners come to an agreement on the maintenance of the basin and possibly quantify their responsibility for maintenance based on the impervious areas they contribute. The original 1985 Order did not contain anything related to long term maintenance or responsibility for the basin.

Commissioner DeGabriele stated that the long-term maintenance issues for the basin needed to be addressed before a Certificate of Compliance for the basin is issued.

The Commissioners agreed that they would be ready to discuss a Partial Certificate of Compliance for the wetland replication area at the next meeting, pending receipt of the revised as-built plan showing the wetland replication area limits.

The applicant agreed to continue the discussion to the next meeting on November 19, 2014.

35 Regatta Road – Request for Final Certificate of Compliance

Rand Currier

Map 2, Block 12, Lot 21

DEP File #81-1117

Tear down and rebuild of single family house

Chris Peratos of BOJ Construction was present to represent the applicant and explained that this was an Order for a tear down and rebuild within 100 ft. of a coastal bank.

Ms. Schloss said she has reviewed the as-built plan and the only modification is on the side set of stairs. The infiltration systems are 18 feet from the coastal bank. She was concerned that there is no overflow to relieve water when the infiltration system is full, thus forcing water through the soils close to the coastal bank. She recommended the homeowner provide a relief outlet.

On a motion made by Commissioner Tanner, seconded by Commissioner Dowd, the Commission voted 5-0 to issue a Partial Certificate of Compliance for the project (all work except the final landscaping) and to include with the final Certificate a letter strongly encouraging the applicant to install a relief overflow for the infiltration system. The Commission further required that the sod be placed as soon as possible and that the applicant apply for a Final COC within three months and to include in their application their response with respect to the relief outlet for the infiltration system.

Mr. Peratos asked that he be notified when the Partial COC is ready and he will pick it up.

Other Business

Ms. Schloss distributed the specifications from Mass DOT for the Route 18 parking lot signage. Comments from the Commission were to remove the "Head-in Parking Only" (as it didn't seem necessary), add a comma, and remove the note regarding no plowing in winter.

Ms. Schloss informed the Commission that National Grid is installing a gas main over a culvert at Reservoir Run. The Commission suggested they file a Request for Determination of Applicability.

CPC Update – No updates

Conservation Administrator's Report

Ms. Schloss reported that the Whitman's Pond drawdown, if successfully permitted, would not be conducted until fall 2015 (the harvesters and dredging). Legion Field, 186 Main Street, 136-138 Bridge Street, Rockway Avenue and Great Esker Culvert replacement are all underway. She has responded to requests for tree removal and a complaint regarding dock storage on the salt marsh at 7 Bridge Path and 117 River Street, respectively. While at 7 Bridle Path she noted extensive encroachment onto Conservation Commission land; this should be addressed.

On a motion made by Commissioner Loring, seconded by Commissioner Tanner, the Commission voted 5-0 to adjourn at 9:15 pm.

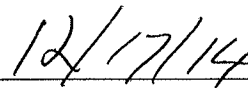
Respectfully submitted by,

Abby McCabe
Recording Secretary

Approved by:



Scott Dowd, Clerk



Date