

**MINUTES OF THE
CONSERVATION COMMISSION
February 12, 2014**

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

Absent: Anthony Merlino, Commissioner

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

Commissioner DeGabriele called the February 12, 2014 meeting to order at 7:00 pm at the Town Hall, Council Chambers, 75 Middle Street, Weymouth, Ma.

APPROVAL OF MINUTES

Cmmr. Tanner made a motion to approve the minutes of January 8, 2014 and was seconded by Cmmr. Loring.

VOTED UNANIMOUSLY

Cmmr. Loring made a motion to approve the minutes of January 15, 2014 as amended and was seconded by Cmmr. Tanner

VOTED 3-1 (Dowd abstained)

40 Dorothea Drive – Certificate of Compliance

William & Corinne Neenan

Map 16, Block 215, Lot 24

DEP File # 81-365

Above-ground swimming pool

This is a Certificate of Compliance for an above-ground swimming pool at a single-family home. Ms. Schloss has conducted a site visit and recommends issuing a Certificate of Compliance.

Cmmr. Tanner made a motion to issue a Certificate of Compliance on 40 Dorothea Drive, DEP File #81-365 and was seconded by Cmmr. Loring.

VOTED UNANIMOUSLY

Jacob's Lane, Lot 21 – Certificate of Compliance

Bristol Brothers

Map 27, Block 352, Lot 54

DEP File # 81-643

Close out old Order of Conditions (no work conducted)

Ms. Schloss noted that this is to close out one of two expired Orders of Condition at Jacob's Lane. No work had been conducted under this Order. The Commission issued a new Order in 2013 for this lot and the old Order needs to be closed out.

Cmmr. Loring made a motion to issue a Certificate of Compliance on Jacob's Lane, Lot 21 and was seconded by Cmmr. Tanner.

VOTED UNIMOUSLY

Jacob's Lane, Lot 22 – Certificate of Compliance

Bristol Brothers

Map 27, Block 352, Lot 55

DEP File # 81-644

Close out old Order of Conditions (no work conducted)

Ms. Schloss noted that this is to close out one of two expired Orders of Condition at Jacob's Lane. No work had been conducted under this Order. The Commission issued a new Order in 2013 for this lot and the old Order needs to be closed out.

Cmmr. Dowd made a motion to issue a Certificate of Compliance on Jacob's Lane, Lot 22 and was seconded by Cmmr. Loring.

VOTED UNIMOUSLY

40 Mathewson Drive - Discussion, Outstanding Order of Conditions

Pompeo Family Realty, LLC

Map 35, Block 444, Lot 23

DEP File #81-287

This is to discuss the process for close-out of the outstanding Order of Conditions issued under DEP File #81-287 and final resolution of an Enforcement Order issue by the Commission for the property (in or around 1990).

Ms. Schloss noted that earlier filings issued by the Weymouth Conservation Commission and Mass DEP allowed filling of a wetland area and compensated for this with the creation of an above-ground detention area (almost all of which was located on what is now 40 Mathewson Drive). Around 1990, the detention basin was filled in and according to the owner and the owner's engineer, was replaced with an underground retention area. The Conservation Commission issued an Enforcement Order requiring restoration of the above-ground basin. The owner's engineer provided calculations and an assertion that the basin had been replaced with an underground detention area that adequately replaced the functions of the aboveground basin. There is no documentation in the Commission's files showing that they accepted these calculations and the assertion, or that they considered the Enforcement Order closed.

Appearing before the Commission was Mr. Ron Pompeo, 24 Stephen Rennie Drive and part owner of 40 Mathewson drive.

Cmmr. DeGabriele believes it doesn't make sense to try to enforce the Enforcement Order until they fully understand the function of the retention basin. He recommends a report from an engineer forthwith.

Mr. Pompeo stated at some point the owner of the adjacent property filled in his section of the detention pond and built a building. When it became an issue his father was told to recreate the pond 100% on his property; he complied. Originally, he hired Lamont Healy for a solution to make that portion of the property usable. Mr. Healy hired a firm to calculate the 100 year storm for the size of pipe, flow rates etc., and came up with the idea of an underground system using crushed stone. The prior Conservation Administrator said to begin and he will make sure everything goes through with Conservation, so they did. Nobody ever made it official with proper submissions and recordings and it has been that way for 20 years.

Cmmr. DeGabriele doesn't have enough information in the old reports to make a decision if the system is functioning properly. He would like a current report from an engineer assessing the system to see if it is working properly or not.

Cmmr. Tanner asked if there was anything on the original paperwork stating how large the detention pond should be. The response was yes, but it wasn't built that way. He then asked if there is anything showing the pond isn't functioning properly and Ms. Schloss stated no.

Mr. Pompeo said the outfall from the basin is an open brook until it goes under Mutton Lane.

Cmmr. Tanner said we already have a stamped form from an engineer 20 years ago stating it is properly designed and working sufficiently. Why, after 20 years if it is not causing any problems are we asking for another engineer to reevaluate this.

Mr. Pompeo will follow-up with Ms. Schloss on when the engineer is coming out to review the existing conditions.

Sherrick's Farm Road Subdivision – Discussion, Outstanding Order of Conditions
Richard Burns
DEP File #81-788

Ms. Schloss noted that the Order of Conditions required wetland replication to compensate for wetland filling approved for construction of the roadway. It appears the wetland replication area was not constructed. The stormwater maintenance system constructed at the site has also not been maintained, as required by the Order. The sediments in the forebay needs to be cleaned out, and the applicant needs to make sure the storm water drainage system is working properly.

Appearing before the Commission were Richard Burns, developer of the subdivision and Scott Arnold, PE.

Mr. Burns stated the replication was done. Chip Fontaine, Bill Woodward, Jim Clarke and Rod Fuqua were all there and it was done. He doesn't know why it was not signed off on. He had a \$50,000 bond and it was turned back over to him.

Ms. Schloss stated that she spoke with Jim Clarke and he recalls the site visit but doesn't recall the replication area being completed. Ms. Schloss also performed a site visit and it isn't where the diagram says it should be. Mr. Burns asked that they speak with Bill Woodward as he inspected it. Ms. Schloss stated that perhaps Mr. Woodward said it didn't need to be done.

Mr. Burns said they planted wetland vegetation behind Lot 6 and they were there. Ms. Schloss will contact Mr. Woodward for some background.

Cmmr. DeGabriele said that given the conditions, perhaps we should leave it alone as there are mature trees in the area where the replication was to be constructed. The Commission agrees with this and Ms. Schloss also is in agreement.

In September, 2013 there was a forebay with a lot of sediments, a lot of dumping on the pathway area. The detention basin seems ok. The catch basins may need to be cleaned out. The outlet is overgrown and vegetation needs to be cut back. DPW said Mr. Burns is responsible for the maintenance until the town accepts the roadway.

Ms. Schloss said she needs a written statement from the engineer with the request for a Certificate of Compliance and we shouldn't receive this request until the maintenance has been performed. A maintenance plan should also be included. These items are needed to close out the Order of Conditions by the May 14, 2014 Conservation meeting. All materials need to be submitted prior to this meeting for a full inspection.

Riverbank Repair at East Weymouth MBTA Station – Discussion of Erosion, Schedule for Repair, Possible Enforcement Order.

Ms. Schloss noted that the outlet to the stormwater system at the East Weymouth MBTA station has been eroding the Back River riverbank. In December MBCR said they would forward a work plan to Ms. Schloss and she is still waiting for it. This work was to be conducted prior to the start of this year's smelt run on March 1st.

Appearing before the Commission were: Jaime Walker, TRC and Maryanne Reilly, MBCR

Jaime Walker stated that the stormwater system is eroding the bank and they will create a pad for the excavator. They will put the proper grading in with rip rap. They will install a check dam in the outlet pipe and straw wattles for erosion controls. They will also remove the sediment in the river with an excavator if it can reach, otherwise they will remove it by hand. There is an issue with the conditions due to the time of year.

Ms. Schloss spoke with Brad Chase of DMF and Michelle Craddock of DER and they suggested trying to get some of the sediment out. Maryanne Reilly doesn't believe the excavator will be able to reach the sediment.

Ms. Schloss said if it cannot be completed by March 1st then it has to wait until after June 1st. Cmmr. DeGabriele suggested that due to the bad weather maybe we should wait until June.

Maryanne Reilly said they have already removed the snow and purchased the materials to perform the job next week. There are several low tides on the 19th, 20th and 21st of February.

After a brief discussion, the Commission decided to wait to perform the work between June 15, 2014 and July 15, 2014.

Maryann Reilly said there will be a new contractor effective July 1, 2014 but they will take over all their existing contracts so working after July 1st will not be a problem.

Everyone reviewed the draft Enforcement Order. Ms. Schloss will prepare a final and bring it to the next meeting for signature.

37 Todd Lane – Notice of Intent Hearing - Continued

Sue and Jim Julian

Map 39, Block 474, Lot 040

DEP File # not available

Addition to single family dwelling

Ms. Schloss noted that this is a Notice of Intent to construct a 16' x 22' addition and deck to an existing dwelling.

This hearing was continued from the last meeting for receipt of the DEP file number which has been received and there are no comments.

Cmmr. Dowd was not at the last hearing and therefore cannot participate.

Appearing before the Commission was Sue Julian. Mrs. Julian stated that they decided to go with the posts for the demarcation of the land and the plantings that have been suggested by Ms. Schloss.

Ms. Schloss stated that there is 150 feet along the back of the property and about 3 posts should be installed about 30 feet apart. Also about 12 shrubs to be planted in between the posts would help mark the area. Ms. Schloss will provide a list of plantings that could be used.

The Fire Department reported that they have no need for the footbridge. Since this is town conservation land, Chairman DeGabriele would like it removed.

Cmmr. Tanner asked who owns the land the footbridge is on and it was stated it is on town owned land. He then asked how long it has been there. Mrs. Julian said when she bought the land 10 years ago it was there and they put railings on it to make it sturdier. Any access to this footbridge would need to go through their property.

Cmmr. Tanner is not opposed to leaving it there with a chain on each end saying No trespassing. He feels it is a heavy structure and doesn't need to be removed.

Cmmr. Loring said it is a liability for the town and doesn't want to set a precedent.

Cmmr. Loring made a motion to have the footbridge removed. Cmmr. DeGabriele seconded.
VOTED 2-1 (Tanner No)

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

Cmmr. Tanner made a motion to close the public hearing on 37 Todd Lane at 9:01 pm and was seconded by Cmmr. Tanner
VOTED 3-0

Cmmr. Loring made a motion to issue an Order of Conditions with everything discussed during the public hearing and was seconded by Cmmr. Tanner.
VOTED 3-0

**Request for Letter regarding Mitigation for use of Article 97 (Conservations Lands)
MassDOT, Route 18 Widening Project**

Ms. Schloss referred to the DOT letter and her memo which were included in the packets. The Route 18 widening project will entail partial takings on three Conservation Commission parcels. The Commission's 2011 letter only mentions one of the three parcels. MassDOT is requesting that the Commission write a new letter that refers to, and approves mitigation for, the takings on all three parcels. A second parcel (with 13 square feet of upland taking) should be mentioned. Of most significance is the parcel across from Shea Drive on which 3,289 square feet of Conservation land is proposed to be taken for the project, including 880 square feet of Bordering Vegetated Wetland and 226 cu feet of Bordering Land Subject to Flooding. These impacts are proposed to be mitigated off-site.

The plan proposed a 22-foot wide gravel drive and 42 x 48 foot gravel parking area. This would provide about 5 to 6 parking spaces.

The Commission would like to see about 10 parking spaces and a design of the parking lot. Before construction all abutters should be informed of the plans.

Cmmr. Dowd suggested that Ms. Schloss inform the appropriate officials (Mayor, Town Council, DPW) before going any further.

CPC Update

Cmmr. Loring said there was a public hearing at the last CPC meeting to review the application process and they approved the \$25,000 for the Whitman's Pond drawdown. They closed out the herring run pool project and talked about the Back River trail system.

Proposed mitigation for the upland impacts to the Conservation parcels is the creation of a parking area to enable access to town Conservation land off Main Street.

Other Business

- a) 186 Main Street – revised plans were submitted to Zoning Board of Appeals. Ms. Schloss has informed them that they will need to come before Conservation.
- b) Weathervane Golf Course Development – Offsite mitigation requirement of Enforcement Order. There was a site walk on February 4, 2014. Ms. Schloss met with the DPW Director today and Ken Morse. Some issues discussed were who would maintain the walking path and is it ADA accessible. A conceptual plan was to be submitted by December 2, 2013 and it still has not been received. Detailed plans were to be due March 31st. Ms. Schloss will send a letter saying they are concerned about the delay. Perhaps we should consider plan B. Ms. Schloss will ask for a response by February 26, 2014.

Conservation Report:

See Conservation Administrator’s Report of February 12, 2014.

ADJOURNMENT

Cmmr. Loring made a motion to adjourn at 10:20 pm and was seconded by Cmmr. Dowd.
VOTED UNANIMOUSLY

Respectfully submitted by,

Lee Hultin
Recording Secretary

Approved by:



 Scott Dowd, Conservation Clerk

04/23/14

 Date