

**WEYMOUTH CONSERVATION COMMISSION
RECORD OF MINUTES AND PROCEEDINGS**

**Wednesday, November 18, 2015, 7:00 p.m.
Council Chambers, Town Hall, 75 Middle Street, Weymouth, MA**

Present: Steve DeGabriele, Chairman
Tom Tanner, Vice Chairman
George Loring, Commissioner
John Reilly, Commissioner

Not Present: Scott Dowd, Commissioner and Clerk

Also Present: Mary Ellen Schloss, Conservation Administrator

Chairman DeGabriele called the November 18, 2015 Commission meeting to order at 7:00 p.m. in the Council Chambers, Town Hall, 75 Middle Street, Weymouth, MA.

Approval of Minutes:

The minutes of September 9, 2015 were reviewed. Chairman DeGabriele recommended one amendment.

On a motion made by Commissioner Tanner, seconded by Commissioner Loring, the Commission voted 3-0-1 (Commissioner Reilly abstained) to approve the minutes from the September 9, 2015 meeting as amended.

6 Perkins Road (Formerly #2 Perkins), Request for Certificate of Compliance

Wayne Fitzgerald

Map 34, Block 438, Lot 12

DEP File #81-1097

Demolish and Rebuild Single Family Home

Ms. Schloss stated there have been minor modifications that are not significant. She recommended issuing a Final Certificate of Compliance. This property is being sold and the Commission made it clear that the area between the deck and the pond not be disturbed. They recommended the new owner be given a copy of the Order of Conditions. Mrs. Fitzgerald, the current owner, asked if all residents on the pond have to meet this requirement. Chairman DeGabriele explained that if a new owner is not informed they may make changes and end up with an enforcement order in front of the Commission. Providing them a copy of the Order of Conditions will prevent them from inadvertently violating the Wetlands Protection Act. Commissioner Tanner recommended that the realtor be advised as well. Mrs. Fitzgerald stated the realtor is aware of the Order of Conditions.

On a motion made by Commissioner Tanner, seconded by Commissioner Reilly, the Commission voted 4-0-0 to issue a Final Certificate of Compliance for 6 Perkins Road (formerly 2 Perkins Road).

Essex Heights Subdivision, Discussion
F.X. Messina Enterprises
Essex Heights Drive, Concannon Circle
DEP File #81-0308
Discuss Renovation of Detention Basin, Closeout of Order of Conditions

Chairman DeGabriele stated he visited the property with Ms. Schloss and representatives from F.X. Messina Enterprises.

Ms. Schloss stated she had a long list of issues dating back many years, and F.X. Messina Enterprises provided a list of how they are going to resolve the issues. They agreed to make the necessary repairs to the detention basin so it will operate properly. They may need stamped engineering plans, but she will leave that decision to the town engineer. They are going to build a 30-inch swale, but the Commission will need more detail, along with the anticipated timeframe. Chairman DeGabriele stated they recommended Messina discuss with the neighbors if they would prefer a pipe or a swale, as there is an easement going through their property. Ms. Schloss stated this could be part of the Enforcement Order. She stated they also have to provide detail on conservation measures. The basin is very overgrown and the idea is to clear it so the DPW will be able to maintain it.

Ms. Schloss stated they discussed leaving trees larger than 6 inches, and also leaving a screen by the adjacent neighbors. She stated Bob Ingram, Wetland Scientist working for Messina, originally proposed doing a herbicide treatment, but the general agreement was that would be a waste, because without continual treatment and removal the infestation is going to come back. They did propose to chip the trees and put them on the berm and the side slopes. They will access the area from West Lake Drive.

Ms. Schloss stated she would like to work with Chairman DeGabriele on a draft order which can be reviewed by Messina. She stated she would like to see this work done within one year. The Commission agreed that the end of the calendar year 2016 would be the deadline to have this work completed. They will require plans that the Commission can review and approve prior to the work being done.

210 Commercial Street, Continued Violation Hearing
Ronald Eaton
Map 16, Block 199, Lot 8
Unauthorized Activity on Fore River Bank

Mr. Eaton was not present. Ms. Schloss provided an enforcement history to the Commission, along with photographs. She visited the site today, November 18, and the condition is about the same as it was last week and the week before. She stated there are still bricks on the bottom, and on the bank. A significant cleanup has been done and Mr. Eaton has removed three quarters of what was on the river bank. She called him during low tide and asked him to pick up the bricks. She asked for receipts of where he was disposing it and has not received this. She reached out to the property owner who indicated they would reach out to Mr. Eaton. She stated there is a granite retaining wall in the location that is failing and Mr. Eaton stated he was concerned about erosion and the safety of his kids.

Ronald Eaton, 201 Commercial Street, Violation Hearing Discussion

Crystal McNeil, Ronald Eaton's girlfriend, arrived at the meeting and reported Mr. Eaton is sick and could not attend. The Commission agreed to update her on what was discussed.

Ms. McNeil stated Mr. Eaton has picked up most of the bricks. He cannot get access to all the bricks because in low tide the area is soft and he is concerned with sinking in. He rented a dumpster to dispose of the bricks. Ms. Schloss provided an update of what she has seen on the site, including conditions that were present today, November 18. Ms. McNeil stated the landlord did give Mr. Eaton permission to put the bricks in to shore up the wall, but she is unsure of the exact agreement of what he could do. Ms. Schloss provided Ms. McNeil a chart of the upcoming tides so Mr. Eaton can clean it up when the tide is low. She explained that the Commission has voted to issue a fine of \$2800. Chairman DeGabriele stated if the remainder of the bricks are removed there would be no need to further fine and the Commission can look at this. He asked that Ms. Schloss be notified when the work is completed. Ms. McNeil indicated she understood.

CPC Update

Commissioner Loring stated they voted to provide money for flood mitigation on Puritan Road. Ms. Schloss stated the town received a grant from Coastal Zone Management for improvements. There is a failed culvert in that location so there would be salt marsh improvements and flood mitigation. The grant did not cover the cost for all the work so CPC is providing the additional money needed. Also, the grant needed a match from the town.

Commissioner Loring stated the Kibby property went to Town Council and he has not heard anything. Ms. Schloss stated the bids came in higher than expected. CPC voted to approve \$50,000 and Town Council approved that. Chairman DeGabriele stated at some point he would like to propose CPC money to restore the bank of that park. Ms. Schloss stated this was discussed and DCR is in favor of this recommendation and were hoping to do a change order.

Conservation Report

Ms. Schloss provided a written conservation report.

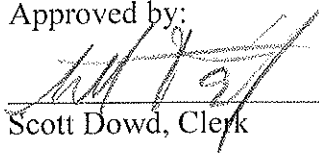
Adjournment:


On a motion made by Commissioner Loring, seconded by Commissioner Reilly, the Commission voted 4-0-0 to adjourn at 8:45 p.m.

Respectfully submitted by,

Patricia McDonnell
Recording Secretary

Approved by:


Scott Dowd, Clerk


Date