

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

**Wednesday, January 13, 2016, 7:00 p.m.
Council Chambers, Town Hall, 75 Middle Street, Weymouth, MA**

Present: Steve DeGabriele, Chairman
Tom Tanner, Vice Chairman
Scott Dowd, Commissioner and Clerk
John Reilly, Commissioner

Not Present: George Loring, Commissioner

Also Present: Mary Ellen Schloss, Conservation Administrator

Chairman DeGabriele called the January 13, 2016 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 November 18, 2015 were reviewed.

On a motion made by Commissioner Reilly, seconded by Commissioner Tanner, the Commission voted 4-0-0 to approve the minutes from the November 18, 2015 meeting as written.

**133 Sheri Lane, Request for Determination of Applicability, Public Hearing
Maryellen Barrett
Map 64, Block 637, Lot 34
Pool**

Ms. Schloss stated she has received the abutter notifications from the applicant.

On a motion made by Commissioner Tanner, seconded by Commissioner Dowd, the Commission voted 4-0-0 to open the public hearing.

Maryellen Barrett addressed the Commission. She stated she would like to install a 20 foot round, four foot high, above ground pool. The pool will be installed five feet from the house, next to the deck.

Ms. Schloss provided photographs. She stated the plan did not show the distance to wetland line. She has visited the site and provided a drawing to the Commission. She stated they would want to discharge backwash outside of the 25 foot no-disturb area. Chairman DeGabriele recommended specifying the pool be located a certain distance from the house and/or the rock wall, to ensure it is out of the no disturb zone. Ms. Schloss recommended no more than 15 feet

from the house. Commissioner Dowd stated they have standard language which should be referenced in the decision.

Ms. Schloss stated they should discuss the type of filtration that will be used. Mr. Barrett stated an earth filter, sand filter, and Xtreme filter are the options they are considering. Commissioner Dowd stated they prefer using cartridge filters, rather than other filters that require backwash. He stated the Xtreme filter is a cartridge filter. Ms. Schloss stated grading should be done in one day and there should be no stockpiling of fill on site without erosion controls.

There was no one from the public who wished to speak on this matter.

On a motion made by Commissioner Tanner, seconded by Commissioner Reilly, the Commission voted 4-0-0 to close the public hearing.

On a motion made by Commissioner Tanner, seconded by Commissioner Reilly, the Commission voted 4-0-0 to issue a Determination of Applicability with conditions discussed this evening.

Vesa Nevalainen, Request for Certificate of Compliance
50 Duncan Circle
Map 31, Block 351, Lot 24
DEP File #81-1089
2-Story Addition

Ms. Schloss stated this is a second story addition. There was some grading and rock blasting involved. She visited the site on January 8 and everything has been stabilized. She provided the Commission documentation from the project engineer. She recommended the Commission issue a Final Certificate of Compliance.

On a motion made by Commissioner Reilly, seconded by Commissioner Dowd, the Commission voted 4-0-0 to issue a Final Certificate of Compliance for 50 Duncan Circle.

90 Libbey Industrial Parkway, Request for Final Certificate of Compliance
Foxrock Properties
Map 33, Block 433, Lot 4
DEP File #81-1064
Parking Area Expansion and Drainage Improvements

Daniel Snyder, Foxrock Properties, addressed the Commission.

Ms. Schloss stated the Commission issued a Partial Certificate of Compliance for wetland replication work (in 2014) but did not issue a Final Certificate at that time because additional work was needed to fulfill stormwater management requirements. The applicant's engineer designed a water quality unit which was installed this fall. She provided a letter from Foxrock Properties, and from their engineer, Shawn Hardy, regarding the installation of the unit. They do have an as-built plan and contract for operation and maintenance. She recommended the Commission issue a Final Certificate of Compliance.

On a motion made by Commissioner Reilly, seconded by Commissioner Dowd, the Commission voted 4-0-0 to issue a Final Certificate of Compliance.

3 Canacum Road, Request for Minor Modification

Peter Barlow

Map 3, Block 1, Lot 8

DEP File #81-1163

John Cavanaro, of Cavanaro Consulting, addressed the Commission. He stated they would like to make minor modifications to the plan. They are constructing a new home and the existing home is being taken down. Originally they had proposed a three tiered retaining wall, however, they are revisiting the backyard layout. They are proposing to adjust the grading in the front to soften the slope on the side. They are eliminating the third level of the retaining wall along the back of the property and will be matching the existing grade so the third piece will be sloped. At the top of the bank that originally had an elevated deck now they want to have pervious pavement with fieldstones set in crushed stone. He stated the plantings will include a salt tolerant wildflower mix.

Chairman DeGabriele recommended the work at the top of the slope be done in a short period of time so the area is not exposed for very long. Ms. Schloss wanted to ensure the slope is seeded after grading, where the third tier would have been, as this is a 5:1 slope, and should be stabilized quickly.

On a motion made by Commissioner Tanner, seconded by Commissioner Dowd, the Commission voted 4-0-0 to approve the minor modifications presented this evening, as well as the conditions discussed.

Acceptance of Conservation Restriction, Guardian Ledges (Formerly Avalon Ledges)

Avalon Drive

Map 25, Block 331, Lot 1

Open Space Easement A, 7.661 Acres

Wetland Replication Conservation Easement B, 2.55 Acres

Ms. Schloss provided background information. She stated there are two easements, one was required by a Zoning Board decision. The second easement was required by the Army Corps of Engineers as there was a wetland replication project done by the town on private property as mitigation for a sewer project. The Army Corps wanted an easement to protect this area. Two town attorneys have reviewed these documents thoroughly. The Commission has to sign the easement documents, then the Mayor, and then the property owner.

On a motion made by Commissioner Dowd, seconded by Commissioner Reilly, the Commission voted 4-0-0 to accept both Easement A and Easement B.

Other Business

Ms. Schloss advised Commissioner Reilly he has to complete the state online ethics training, sign the form indicating this has been completed, and return it to Pat Fitzgerald.

Ms. Schloss stated any appeal of the Lovell Field decision will have to be filed by Friday, January 15. She has not heard anything yet, however, if there is an appeal it would have to go to Superior Court and this would take a lot of town resources.

Ms. Schloss stated Bristol Brothers Development just finished the last house on the Weathervane project and they have a temporary Certificate of Occupancy. They were supposed to get a Partial Certificate of Compliance as each street was completed, but this was not done, so they now have to file for a Partial Certificate of Compliance for all remaining units. She did not sign off on the temporary Certificate of Occupancy for the last remaining house as she was out of town. Chairman DeGabriele stated Weathervane/Bristol Brothers Development owed the Commission a lot before that house was to be occupied, now the house is occupied and the Commission has to make a difficult determination.

Ms. Schloss stated there are several things in the enforcement order that they have not been receiving, so she would like to review the enforcement order and see what items are lacking and issue a formal letter. Chairman DeGabriele stated they may be able to move right to a fine, as Bristol Brothers did not do what they were supposed to do. He stated they have had this pattern of behavior with Bristol Brothers ignoring orders. He asked Ms. Schloss if she can find out if they can go to penalty for violation of the order, and if so, he recommended assessing a penalty. Ms. Schloss stated she would prefer to issue a notice of violation. Chairman DeGabriele stated they have already issued an order and Bristol Brothers should be penalized for failing to do what they were ordered to do. He stated they saved money without suffering consequence. He stated it also bothers him that it always falls on Ms. Schloss to do follow up, which is time that can be spent on other things.

Commissioner Tanner stated he would like Ms. Schloss to make a list and then the Commission can make a decision on what action to take. The Commission was in agreement with this plan. Ms. Schloss stated the clubhouse has not been built yet so that could be used as leverage. She stated there is also offsite mitigation that has to be negotiated for the trail system.

Commissioner Reilly asked if 210 Commercial Street is still being fined. Ms. Schloss stated they issued a \$2800 fine, which was not appealed with the District Court. Mr. Eaton called her a week ago and stated he was not aware there was an appeal period. Ms. Schloss stated someone signed off on receipt of the letter, so he should have been aware of the appeal period. Mr. Eaton stated he cleaned up more material, however, there is still material in the river. Mr. Eaton has indicated he cannot afford to pay the fine. Chairman DeGabriele stated the DEP requires documentation of inability to pay. Commissioner Tanner asked if they can put a lien against the property, even though Mr. Eaton is not the owner, as this would encourage the owner to clean up the property. The Commission recommended speaking to the owner of the property to resolve this.

Conservation Report

Ms. Schloss reviewed the conservation report. She provided an update on Alexan at Arbor Hill, the Kibby property, and the Brewster Ambulance project. Chairman DeGabriele stated he would like to go out to the Kibby property at some point to see the work being done.

Chairman DeGabriele asked about the status of the daylighting project for Weymouth Landing. Ms. Schloss stated the Redevelopment Authority is working on this project and has hired a consultant. She is not aware if they have a contract in place. They will have to come before the Commission in the future. Chairman DeGabriele asked that information be provided to the Commission once the plan is done, so they are not given information at the last minute and forced to make a quick decision.

Ms. Schloss stated she needs to reach out to MassDOT to see if they will be taking comments on the Route 18 widening project. She will review the Commission's last set of comments.

Adjournment:

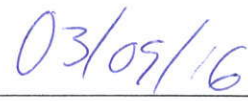
On a motion made by Commissioner Dowd, seconded by Commissioner Reilly, the Commission voted 4-0-0 to adjourn at 8:30 p.m.

Respectfully submitted by,

Patricia McDonnell
Recording Secretary

Approved by:


Scott Dowd, Clerk


Date