

**CONSERVATION COMMISSION
RECORD OF MINUTES AND PROCEEDINGS
WEYMOUTH TOWN HALL COUNCIL CHAMBERS
February 24, 2010**

PRESENT: George Loring, Chairperson
Steven DeGabriele, Vice-Chairperson
Laura Harbottle, Clerk
Adrienne Gowen, Commissioner
NOT PRESENT: Scott Dowd, Commissioner
ALSO PRESENT: Mary Ellen Schloss, Conservation Administrator

Chairman Loring called the Conservation Commission meeting to order at 7:00 PM in the Council Chambers of Weymouth Town Hall.

Minutes for approval and signature 1/13/10

Ms. Schloss noted that there were some corrections that were made prior to tonight's meeting. The minutes were accepted as written.

81-997

**Great Pond Water Treatment Plant
Hearing, Extension to Order of Conditions**

A MOTION was made by Cmmr. DeGabriele to OPEN the public hearing and was seconded by Cmmr. Gowen and UNANIMOUSLY VOTED.

Mike Chiasson, Water and Sewer Superintendent for the Town of Weymouth, appeared before the Commission to request a one year extension to the Order of Conditions. He stated that part of this project was to do a pocket wetland which has been completed. He noted that Ms. Schloss has inspected the site. He noted that there were several areas that required new hay bales; there will be another inspection in the spring. At that point a review will take place to see what else needs to be done.

Cmmr. DeGabriele asked about the progress of the water treatment plant. He noted that he was not a commissioner when this project first started. Mr. Chiasson stated that the project is about 75% done and should be fully completed by August. At that point, the start-up and testing will begin as will training for employees on how to run the new plant. After that is completed there are two more phases: the demolition of the old plant and a landscaping plan. If the plant is completed by August the plan is for the old plant to be demolished in the fall and the landscape plan to be completed next spring.

Cmmr. DeGabriele asked if all of the planned activities are included in the Order of conditions. Mr. Chiasson stated that the project was phased.

Cmmr. Loring asked if there was anyone present who would like to speak to this project and received the following response.

Joan Best, 70 Pine Circle, stated that she is an abutter to this project. She stated that the site is currently an eyesore as work continues. She noted that she has spoken with Mr. Chiasson. She

stated that the neighborhood is concerned that a landscape plan be completed nicely. She stated that a number of trees were removed.

Mr. Chiasson stated that the number of trees removed was recorded and they will be replaced. He pointed out that the landscape plan has not been developed yet. He stated that a neighborhood meeting will be held to discuss the landscape plan.

Ms. Schloss stated that the pocket wetland is a storm water treatment wetland as opposed to a replication wetland. She stated that she would like for the commission to see the planting plan particularly for the plantings closer to the pond shore.

Ms. Schloss noted that there is an Order of Conditions (81-959) for decommissioning the old sludge lagoons.

Cmmr. DeGabriele stated that he would like to walk the site.

A MOTION was made by Cmmr. DeGabriele to CLOSE the public hearing and was seconded by Cmmr. Harbottle and UNANIMOUSLY VOTED.

A MOTION was made by Cmmr. DeGabriele to ISSUE a one year extension to the Order of Conditions and was seconded by Cmmr. Harbottle and UNANIMOUSLY VOTED.

81-1066

West Lake Drive/Essex Street Replication Project Continued Hearing

A MOTION was made by Cmmr. Gowen to OPEN the public hearing and was seconded by Cmmr. DeGabriele and UNANIMOUSLY VOTED.

Mr. Chiasson spoke to this project. He stated that this replication project is the result of four sewer capital improvement from the early 2000's. He stated that there was an issue regarding a piece of land locked property for the replication. The owners agreed to sell but would like to donate the entire parcel. The town is still waiting for the deed.

Ms. Schloss stated that the Department of Public Works (DPW) was required to file with the Conservation Commission, Army Corps of Engineers (ACOE), and the Department of Environmental Protection (DEP) for a 401 Water Quality Certificate. She noted that the revised plans (responding to the ACOE comments) are essentially the same as the previous version; the differences are minor. She noted that labeling needed to be changed. The lower and upper wetland zone should be called transition zone and upper riparian zone. Also there is a required increase in organic content of the soil as well as additional financial insurances regarding monitoring and assessment of wetland replication area.

Cmmr. Gowen asked if there is a maintenance plan for this area. Mr. Chaisson stated that if there is a need for any maintenance to call DPW about the concern.

Ms. Schloss noted that this issue will need to be continued.

A MOTION was made by Cmmr. Harbottle to CONTINUE the public hearing until 3/24/10 and was seconded by Cmmr. Gowen and UNANIMOUSLY VOTED.

81-107

**190 Idlewell Boulevard – Hearing
Larry Agnitti, Cannon Construction
Map 9, Bl 136, Lot 18
Notice of Intent**

A MOTION was made by Cmmr. Harbottle to OPEN the public hearing and was seconded by Cmmr. Gowen and UNANIMOUSLY VOTED.

Attorney Galvin appeared before the Commission on behalf of the applicant, Lawrence Agnitti, and the applicant's engineer, Scott Arnold.

Mr. Galvin noted that this property had been subject to an Order of Conditions a number of years ago and that order has expired; no work was ever done under the old Order. Mr. Agnitti is looking to construct a single family home. He noted that Mr. Agnitti has an application before the Board of Zoning Appeals (BZA).

Mr. Galvin stated that the applicant would like to build the house outside of the 100 foot line of the high water elevation. It is the deck that would extend into it.

Mr. Arnold stated that he prepared the site plan for this application. He stated that the lot is about 7600 square feet. It has a width of 40 feet along Idlewell Blvd. and extends almost 200 feet in depth to Mill Cove. The Newell playground abuts the property on the north. There is private property, 192 Idlewell Blvd., on the south. He noted that there is a 20 foot drop along the length of the lot.

Mr. Arnold reviewed the plan for the Commission. He noted that several trees will need to be removed. He also noted that a variance is needed from the BZA. He stated that the plan calls for a retaining wall on the northerly side of driveway to raise it 4-5 feet. This would include 4-5 feet of fill.

Mr. Arnold stated that the plan attempts to keep the house in compliance as best able. It is narrower at front. It is a legal lot but requires permission.

Cmmr. DeGabriele stated that DEP regulations allow a conservation commission to approve alterations of up to 5000 square feet in a River Front area with conditions. He noted specifically the requirement for 100-foot wide undisturbed vegetation; if this is not present, then existing vegetated coverage should be preserved or extended to maximum amount feasible to approximate 100-foot wide corridor. He noted that there is an existing lawn area. He asked what provisions have been made to restore more natural vegetation in the no disturb zone as well as controlling access to this zone.

Mr. Galvin noted that the town has a sewer line between the house and Mill Cove. He indicated that this area is well developed. The applicant is ready to do whatever the Commission deems reasonable to comply with the referenced code regulations.

Mr. Galvin stated that if the house were existing, the deck could be built. He pointed out that the house could be built then the owner could return for a permit to build the deck. He stated that it would cause less disturbance if it is built at the same time as the house.

Mr. Galvin noted that this parcel is higher than the abutting parcel at 192 Idlewell and that the plan calls for directing water away from this property.

Cmmr. Harbottle questioned if a breakaway wall was the best idea for the property. Mr. Galvin stated that the applicant is before the BZA and they had suggested it.

Cmmr. Harbottle asked what the driveway will be made of. Mr. Galvin stated that it will be made from gravel.

Mr. Arnold stated that a survey of the number of trees to be removed was done.

Cmmr. Harbottle asked if the Town Council would need to vote on work to be done on town property. Mr. Galvin stated that this was not needed.

Cmmr. Gowen asked when the project would begin. Mr. Galvin stated that this is dependent upon the disposition of the case before the BZA.

Cmmr. Loring asked for clarification on the swale. He noted that the water flows toward the river, but the plan calls for the driveway to be elevated quite a bit and over 600 square feet head towards 192 Idlewell.

Mr. Arnold stated that the driveway was pushed as far to the north in order to create the room for this swale to channel the water away from the house next door.

Ms. Schloss referenced her memo dated 2/3/10 regarding riverfront performance standards, resource area delineation, flood zone, alternative analysis, and sewer connections.

The resident at 192 Idlewell Blvd. brought a picture to the chairperson showing the high tide. He stated that he was glad to hear discussion regarding the sloping of the land and water flow. He noted that his property does not have a driveway and must park on the street.

Debra Tier, 196 Idlewell Blvd., asked what the applicant is using as a benchmark for the mean annual high water.

Ms. Schloss stated that this is a river and mean annual high water refers to freshwater.

Ms. Tier stated that the plan shows the water line much lower than what it actually is on a daily basis. She noted that the water flow will be directed towards the adjacent park and affect access to the park.

Ms. Tier expressed concern that a large oak tree on town property may be lost. Cmmr. Loring stated that the removal of trees is one of the issues to be determined.

The applicant will need to address the following issues: provide an alternatives analysis, location of mean high water line, (10.41 foot mean used by the town and 10 foot mean used on the plan), mitigation plantings, identify the number of trees to be removed, more detail on the driveway, respond to concerns regarding the swale.

Ms. Schloss noted that information needs to be into her office about a week before the continued hearing. If the hearing is continued to 3/24/10, the information would be needed by 3/15/10.

A MOTION was made by Cmmr. Harbottle to CONTINUE the public hearing until 3/24/10 and was seconded by Cmmr. DeGabriele and UNANIMOUSLY VOTED.

Other Business/Conservation Report

Healy Road 81-1069

Ms. Schloss spoke about whether the changes requested need an amended Order of Conditions. She stated that the original plan called for the removal of the trees but now the applicant would like to move the location of the house.

Cmmr. DeGabriele stated that he believes that the applicant needs to come back to the Commission for an amended Order of Conditions.

1340 Washington Street

Ms. Schloss stated that the applicant would like to construct a bump out for utilities because there will be no basement. They would like to have it in the center of the building, behind it, or on the right side next to the parking area. She noted that there is no formal request.

Cmmr. DeGabriele noted that he had voted against this and he believes that it is a new issue.

Ms. Schloss noted that the bump out is 4 foot by 8 foot. She stated that if it is going to be in the back it would be closer to the no disturb zone.

Cmmr. Loring noted that it has already been approved by the Board. The question is what the applicant needs to do to make this change. Otherwise an amended Order of Conditions would be required.

Conservation Commission
February 24, 2010

Following discussion, the Commission agreed that placing it on the side to the left would be acceptable as an administrative change; the other two locations would require an Amended Order.

Board Members Meeting with Mayor Kay

Ms. Schloss distributed hand outs to members who were not able to attend. She noted that verification that the commissioners have completed an ethics test online is required by the beginning of April.

Pond Street Multi-family
81-937

Ms. Schloss stated that the applicant is concerned that there are three Orders of Conditions as well as a DEP Superseding order. There are four different orders and the request is to consolidate the time frames.

A MOTION was made by Cmmr. Harbottle to SUPPORT the consolidation of the timeframes.

The March 10, 2010, meeting will begin at 7:00 P. M. at the Weymouth Town Hall.

Cmmr. Gowen moved to adjourn at 9:30 pm. Cmmr. DeGabriele seconded. UNANIMOUSLY VOTED.

APPROVED: _____
Laura Harbottle, Conservation Commission Clerk

Respectfully submitted: Janet Murray, Recording Secretary