

**CONSERVATION COMMISSION
RECORD OF MINUTES AND PROCEEDINGS
WEYMOUTH TOWN HALL COUNCIL CHAMBERS
March 10, 2010**

PRESENT: George Loring, Chairperson
Steven DeGabriele, Vice-Chairperson
Laura Harbottle, Clerk
Adrienne Gowen, Commissioner (arrived at 7:40pm)
Scott Dowd, Commissioner

ALSO PRESENT: Mary Ellen Schloss, Conservation Administrator

Chairman Loring called the Conservation Commission meeting to order at 7:05 PM in the Council Chambers of Weymouth Town Hall.

**81-913 Duncan Circle/Cardinal Circle - Hearing
Extension of Order of Conditions**

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

This is a request to extend the Order of Conditions issued for construction of the roadway and utilities for the Duncan and Cardinal Circle subdivision. The roadways and utilities have been constructed, although Cardinal Circle still requires some final work.

Mr. Andrew Dignan appeared before the Commission to request a one year extension. He stated that Duncan Circle is done; however, Cardinal Circle is in need of a top coat of asphalt, loam around the perimeter, seed, and clean the drain structures. He stated that he intends to have it done prior to November 1, 2010.

Cmmr. Loring asked if there was anyone in the public who would like to speak on this matter. There was no response.

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

Ms. Schloss stated that this is for the roadways and utilities. The houses have been built under separate Orders of Condition. She noted that a letter was submitted by the applicant outlining what still needs to be done.

A MOTION was made by Cmmr. Harbottle to GRANT the request for a one year extension and was seconded by Cmmr. Dowd and UNANIMOUSLY VOTED.

**81-756 Weathervane Project – Hearing
Extension to Order of Conditions**

**81-963 Weathervane Project – Hearing
Extension to Order of Conditions**

Cmmr. Loring stated that both requests will be discussed together and then voted.

A MOTION was made by Cmmr. Dowd to open the public hearings for 81-756 and 81-963 and was seconded by Cmmr. DeGabriele and UNANIMOUSLY VOTED.

Mr. Bristol appeared before the Commission with Carl Erickson to request an extension to the two Orders of Conditions.

Mr. Bristol stated that the 9-hole golf course is complete. Some homes and the clubhouse remain to be constructed. He pointed out that this project involved the acquisition of 37 pieces of land. As part of the project, wetland replication was required.

Cmmr. DeGabriele asked if there is a Certificate of Compliance for the project. Mr. Bristol stated that there is a Certificate of Compliance for the replication. He stated that Certificate of Compliance for the golf course will be applied for this year.

Cmmr. Harbottle asked about the monitoring wells on the site and if there were any results from them.

Mr. Erickson stated that before the holes were established, they conducted baseline water quality sampling. Routine monitoring will occur twice per year in April and October and be reported to the town.

Ms. Schloss stated that there are no issues with granting the extension as there are nothing outstanding.

Ms. Schloss stated that a chart of when the holes were completed would be useful.

Ms. Schloss noted that construction monitoring reports need to be submitted.

Cmmr. Loring asked if there was anyone in the public who would like to speak on this matter. There was no response.

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

A MOTION was made by Cmmr. DeGabriele to GRANT the request for a one year extension and was seconded by Cmmr. Dowd and UNANIMOUSLY VOTED.

**81-1069 Healy Road - Hearing
Amend Order of Conditions**

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

Mr. Al Trakimas of SITEC appeared before the Commission on behalf of the applicant. He stated that they would like to change location of the house by moving it as noted on the amended plan. He pointed out that the size of the driveway will be reduced. He pointed out that this will provide an additional setback from the 25' buffer zone. He noted that it will reduce the amount of impervious area. The applicant is looking for permission to amend the plans.

Cmmr. DeGabriele noted that trees were cut in preparation for the construction.

Mr. Trakimas stated that after the trees were cut the owner reviewed the site and did not like the placement on the lot.

Cmmr. Dowd asked why the previous plan did not work.

Mr. Trakimas stated that on paper, the placement of the house looked suitable. After a site review the relocation of the house was deemed necessary. He pointed out that the dwelling will be smaller in size and no additional trees will be removed.

Cmmr. DeGabriele asked if there was consideration to replant the trees.

Mr. Trakimas stated that the area will be maintained as a lawn area.

Cmmr. Loring asked if there was anyone in the public who would like to speak on this matter. There was no response.

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

Ms. Schloss stated that the reference to the approved plans will need to be amended but all other conditions would remain the same.

Cmmr. Dowd stated that had this been the original plan, he would not have voted to approve it.

Cmmr. DeGabriele stated that he agrees with Cmmr. Dowd. He stated that it is unfortunate that the clearing happened and then the plans changed. He noted that he is disappointed that there is no plan for replication.

Cmmr. Dowd asked if it is too late for a replication plan.

Ms. Schloss stated that the plan was initially approved allowing the removal of the trees. She stated that she is hesitant to require the replication. She noted there is a gain in that there will be less impervious surface.

A MOTION was made by Cmmr. Harbottle to ISSUE an amended Order of Conditions and sectioned by Cmmr. Dowd and UNANIMOUSLY VOTED.

186 Main Street - Hearing
Flynn Gar LLC
Map 29, B1 375, Lot 2
Request for Determination of Applicability

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

This is a request for the Commission to determine whether an area is subject to the Wetlands Protection Act and/or the Weymouth Wetlands Protection Ordinance.

Mr. David Kelley of Kelley Engineering Group, appeared before the Commission. He introduced Mr. Bob Gray, a wetland scientist, Mr. Bill Woodward, former conservation agent for Weymouth and the applicant, Mr. Gardner.

Mr. Kelley stated that the applicant is questioning a low area on the site. They would like to know how the town is viewing this area; what are the rules as plans to develop the property go forward. He noted that there are no specific plans at this time.

Mr. Kelley gave a presentation regarding this site. He noted that the town's definition of a pond still needs to be clarified.

Cmmr. Gowen asked if these plans were complete.

Mr. Kelley stated that he gave the overview of the property as a beginning point for a future, undetermined project.

Cmmr. DeGabriele stated that this area fits the definition of isolated land subject to flooding under Weymouth requirements. He stated that he does not believe that there is sufficient information to determine if the land contains a vernal pool.

Cmmr. DeGabriele stated that an approach to dealing with this, would be to take the most stringent interpretation of the requirements of any of the classifications and design the project accordingly.

Cmmr. Harbottle asked if Ms. Schloss has spoken with the Town Counsel.

Ms. Schloss stated that she had and that an ordinance takes precedence over a regulation when there is a conflict.

Cmmr. Harbottle pointed out that there appears to have been dumping of sand adjacent to this area, what will be done about this.

Mr. Kelley stated that Mr. Gardner does own Supershine Carwash. He did not know if the sand was the result of winter maintenance.

Cmmr. Harbottle asked about facultative vernal pool species present on the site.

Mr. Gray stated that he had performed dip netting and found mosquito larvae and crustaceans. He noted that in 3/09 criterion changed for obligate species which include spotted salamander and wood frog. He noted that two of four species must be present in the pool at the same time, with indications for breeding (eggs).

Mr. Gray stated that after dip netting that area, he determined that further detailed study needed to be done as nothing was found. If it is a question, more work can be done.

Cmmr. DeGabriele stated that previous disturbance is present on the site. It looks like a road was installed.

Mr. Kelley stated that there is significant debris present. He was not aware of the situation surrounding this.

Mr. Gardner purchased the property in 2005. He pointed out that there have been problems with a broken water main. In order to fix the pipe, machinery needed to be brought in to repair. The applicant stated that they would like to continue to study the pool and questioned how the Commission would feel about relocating it.

Ms. Schloss stated that we are looking at biological and physical characteristics. If it meets the physical characteristics of a vernal pool per the ordinance then it would have to be defined as such; however, a variance might be granted if an acceptable biological study indicated that there were no biological criteria met.

Ms. Schloss stated that the sand dumped on the slope is slumping into the wetland. She pointed out that this could be an actual violation.

Ms. Schloss stated that the property line on top of bank on the east side of auto wash. She noted that on the north side there is woody debris which has created instability on the bank. These existing issues need to be addressed.

Ms. Schloss stated that there had been a previous violation, many years ago, regarding the dumping of sand. She noted that she did not know if this is the same sand that was never cleaned up.

Cmmr. Harbottle stated that regardless of classification of the pool, the bank needs to be stabilized with proper vegetation.

Cmmr. DeGabriele stated that he believes that the pool physically meets the definition of a vernal pool. There are current conditions that need to be addressed.

Cmmr. Loring asked if there was anyone in the public who would like to speak on this matter. There was no response.

The applicant was asked to submit a report outlining existing conditions regarding the stability of the slope, the presence of piles of sand and other debris, and the areas of no vegetation.

A MOTION was made to CONTINUE the public hearing to 5/26/10 and was seconded and UNANIMOUSLY VOTED.

Other Business

1. Land sales: two additional properties for review
Western Ave – property next to river that is 54,014 square feet – there is a storm drain outfall and the area is wet. Recommend to town to keep inner riparian piece.
Main Street – no access from road
2. Ethics Training needs to be completed by April 2
3. Next meeting 3/24/10
 - a. Handout Fort Point Road NOI
 - b. Handout Alpine Road NOI

Conservation Report

1. Idlewell
 - a. Conversation with NOAA re: tidal benchmarks. Will discuss with applicant's engineer. Will require more survey.
 - b. Staked after 11.7 tide. Could do average tide, but need datum not observations
 - c. Follow-up meeting with Greg Galvin 3/9 to discuss outstanding issues
2. Route 3 Median. Some adjustments to replication area configuration: same layout, same number of plants. Also looking at bottom elevation to ensure excavation will be deep enough. Don't think needs Amended Order.

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3. Sanitary Sewer Overflow report. 2/26/10, Montcalm siphon.>100,000 gal and 1 MG. Discharge to the Fore River. This is only location now typically overflowing in large rain storms (greatly reduced from prior situation). To reduce/eliminate overflows here would need to increase size of the interceptor line that runs along the beach. There is money available for design.
4. March 16 – neighborhood meeting re: Great Esker salt marsh restoration project
5. Middle Pool cleanout done Feb. 25. Will be reimbursed by DMF. Need to fund periodic maintenance.
6. May 26th for Whitman's Pond aquatic vegetation – RFQ available, as is end-of-year report for West Cove 2009 treatment.
7. Change in Ordinance (extensions, project submittal form). Goes to George Lane, Mayor, Council.
8. Changes to Regulations (definition of pond, variance, and setback requirements).
9. Does Commission want Brad Chase to attend future meeting? Commissioners would like to have him come to a meeting to give a comprehensive overview.

The March 24, 2010, Meeting will begin at 7:00 P. M. at the Weymouth Town Hall.

Cmmr. DeGabriele moved to adjourn at 9:00 pm. Cmmr. Gowen seconded. UNANIMOUSLY VOTED.

APPROVED: _____
Laura Harbottle, Conservation Commission Clerk

Respectfully submitted: Janet Murray, Recording Secretary