

**CONSERVATION COMMISSION  
RECORD OF MINUTES AND PROCEEDINGS  
WEYMOUTH TOWN HALL COUNCIL CHAMBERS  
April 14, 2010**

**PRESENT:** George Loring, Chairperson  
Steven DeGabriele, Vice-Chairperson  
Laura Harbottle, Clerk  
Adrienne Gowen, Commissioner (arrived at 7:20pm)  
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

The minutes from February 24, 2010 and March 10, 2010 were accepted as written with changes per Ms. Schloss.

**81-1070 190 Idlewell Boulevard  
Issue Order of Conditions**

Cmmr. DeGabriele noted that there is a question regarding condition #51 as to whether the downspouts facing away from the house should remain as a continuing condition. Cmmrs. agreed that this should remain.

Ms. Schloss stated that she had spoken with the applicant.

Ms. Schloss stated that on condition #41 the number 4660 needs to be changed to 4640.

Ms. Schloss stated that on condition #44 in regards to the maintenance of the pathway through the mitigation planting area, that the future owners may maintain this foot passage.

Ms. Schloss stated that on condition #46 there was discussion regarding large debris to be removed. She noted that there is a large structure left over from DPW or MWRA work; there are cement pads, and wooden floats. She noted that they shall be removed to the extent reasonable.

Ms. Schloss stated that on condition #47 the intention is that the applicant will work with DPW in regards to planting to mitigate for the removal of trees in Newell Park.

Cmmr. Dowd stated that he will not be voting on this as he had missed a meeting.

Cmmr. Harbottle made a MOTION to ISSUE a Standard Order of Conditions with Special Conditions as noted and was seconded by Cmmr. DeGabriele and PASSED on a 3-0 vote with Cmmr. Dowd abstaining and Cmmr. Gowen not present.

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**2-24 Commercial Street — Continued Hearing  
Request for Determination of Applicability**

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

The applicant, Mr. Delegas, appeared before the Commission. A packet of information had been given to the commissioners at the last meeting.

Cmmr. DeGabriele asked if the issue is limited to the demolition of the building and if the sidewalk and other things are town issues. He noted that the culvert and deck cover the smelt brook area and the river under/adjacent to this area.

Ms. Schloss stated that the culvert is severely deteriorated and needs to be shored up. A shoring plan needs to be developed to show how this work is to be done. It is unclear how much of the work is the applicant's responsibility as there is also town responsibility.

Ms. Schloss stated that town officials still have not determined what needs to be done. She noted that the building should not be taken down nor the basement filled in until the culvert is shored up. There are a lot of unanswered questions.

The applicant stated that he had not seen the report that was sent to the town. After looking at the report given to him by Ms. Schloss, he agreed that the map does not clearly show who is responsible for what.

Cmmr. Harbottle asked if the deed would have this type of information.

Ms. Schloss stated that she had not looked at the deed.

Cmmr. Loring asked if this would be done as part of the Notice of Intent.

Ms. Schloss stated that what is before the Commission this evening is a request for demolition of the building. She noted that based on available information there is a significant problem with the culvert that would need a Notice of Intent (NOI) to show what will be done and how it will be done. When the NOI is heard, who is responsible for what will be discussed.

Mary McCue, resident of Weymouth Landing area, asked if Mr. Delegas had hired an engineer. Mr. Delegas stated that he did and a report has been issued. He noted that the sidewalk and street are caving in. He stated that they have stopped doing anything at this point as the cost started at \$140,000 and then jumped to almost \$500,000.

Ms. McCue stated that she is concerned about the condition of the property as there is broken glass and wood and there is a hole in River Café.

Mr. Delegas stated that the easement access has been fenced.

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Mike Richardi, a commissioner at Pond Meadow Park, stated that he has gone into the culvert. He pointed out that this culvert has a tidal flow and the smelt make it up to Commercial Street. Mr. Richardi stated that commissioners go into culvert and clean up trash to aid the smelt in making it further up the culvert into smelt brook. He further stated that Pond Meadow is responsible for flood control and the 96" culvert and the 72" culvert is the town's responsibility.

Mr. Richardi asked that the applicant pay attention to the fish seasons when work is being considered.

Cmmr. Harbottle asked if the brook that is under the ground at this location could be opened.

Ms. Schloss pointed out that the "daylighting" of a portion of the Smelt Brook is a condition of the Greenbush Rail Restoration Project.

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

Cmmr. DeGabriele made a MOTION for a Positive 3 Determination (the work described on referenced plans and documents is within an area subject to protection under the act and will remove, fill, dredge or alter said area and will require a filing of a Notice of Intent) and was seconded by Cmmr. Harbottle and was UNANIMOUSLY VOTED.

**51 Alpine Road — Hearing**  
**Gary Gabriel, Gabriel Homes**  
**Map 30, Bl 348, Lot 25**  
**DEP File # not available**  
**Notice of Intent**

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

Information regarding notification of abutters was given to Ms. Schloss.

Shawn Hardy, engineer, appeared before the Commission with Gary Gabriel, the applicant. Mr. Hardy stated that the lot is 5700 square feet and located across Alpine Road is Whitman's Pond. He also stated that Alpine Road is a private road. The proposal is to put a 24x30, 720 square foot residence with a 240 square foot gravel driveway. He pointed out that there is a steep slope and the garage will be underneath the house.

Mr. Hardy stated that there will be two, 4x4x4 leaching galleys to take the roof drainage and infiltrate it back into the ground so that run off is not increased. The purpose is to increase the recharge to the resource area. He pointed out the line of erosion control and silt fence across the front of the lot. He noted on the plan that the contractor is responsible for daily site access.

Mr. Hardy stated that there would be a 10 foot retaining wall to allow for a small yard and to help with site grading.

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Cmmr. DeGabriele asked if a hay bale system is sufficient in the event of a storm.

Mr. Hardy stated that the applicant is open to other suggestions. He stated that the hay bales could be staggered further up. He also stated that he could work with the town's agent.

Mr. Hardy stated that the site will be excavated back for the foundation and then as the site is backfilled, the retaining wall will be built.

Cmmr. DeGabriele stated that he did not believe that the plan is descriptive enough to show that the silt control system is sufficient for the property.

Cmmr. DeGabriele asked what would happen after the construction. He noted that the plan calls for leaving as much natural vegetation as possible. He pointed out that a significant amount of excavation is planned and he asked how to protect vegetation.

Mr. Hardy stated that the limit of work is the rear retaining wall and he would like to have a lawn in the area to the front.

Mr. Hardy stated that three trees will need to be removed.

Cmmr. DeGabriele asked if the trees would be replanted.

Mr. Hardy stated that the applicant would be willing to plant three trees.

Ms. Schloss stated that there should be a construction sequence.

Cmmr. Harbottle asked if the location of the back retaining wall had been staked out.

Mr. Hardy stated that the stakes are in place at this time.

Ms. Schloss stated that there are more trees on the site that may need to be removed; a 15" and 12" tree in addition to the three previously mentioned.

Ms. Schloss stated that Planning Board staff has indicated that conditions on the roadway would be required.

Mr. Hardy stated that this is strictly a building permit as the applicant believes that the lot is grandfathered and not subject to subdivision regulations. He agreed that if roadway conditions are imposed, the applicant would need to file an NOI.

Ms. Schloss asked about the structural engineer stamp for the wall which is over four feet.

Mr. Hardy stated that as a P.E. he could certify a wall up to ten feet.

Cmmr. Loring stated that this is a public hearing and asked if there was anyone who would like to comment.

Pamela Blair Johnson stated that she co-owns abutting property at the back of the lot and on the south side of the lot. She asked if any blasting was planned.

Mr. Hardy stated that no blasting is planned; he noted that if any rock needs to be removed, it will be chipped.

Craig Hall, 35 Alpine Road, noted that eight abutters were informed but there are only five houses.

Ms. Schloss noted that the rule is notification of abutters 100 feet from property corners.

Mr. Hardy stated that the notifications were sent to the following addresses: 186 Westminster Road, 180 Westminster Road, 174 Westminster Road, 63 Alpine Road, 194 Westminster Road, 190 Westminster Road, 41 Alpine Road, 0 Alpine Road, 55 Alpine Road, and 0 Westminster Road which is owned by town.

Mr. Hardy stated that the notification list is based on the list from the Assessor's Office.

Mr. Hall stated that Alpine Road is a narrow, private way not maintained by the town. He pointed out that the road is getting worse and worse and there is more erosion along the embankment. He noted that he and other neighbors have paid for serious landscaping.

Mr. Hall stated that he is concerned about additional traffic on the roadway. He noted that one of the telephone poles on the street is directly in front of property; he asked if it will be removed or re-located.

Mr. Hall stated that adding more traffic to this road will be detrimental to the area and that even minor blasting would cause problems.

Ms. Schloss stated that the applicant needs to provide a construction sequence narrative, more detail on erosion control, and an exact number of the trees to be removed.

Cmmr. DeGabriele made a MOTION to CONTINUE the public hearing to April 28, 2010 and was seconded by Cmmr. Harbottle and UNANIMOUSLY VOTED.

**31 Woodbine Road — Hearing**  
**Dong Pham**  
**Map 30, Bl 391, Lot 16**  
**Request for Determination of Applicability**

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

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Gilbert Starkey, architect, appeared before the Commission on behalf of the applicant. He stated that on March 17, 2010 the Board of Zoning Appeals approved the structure as shown on the plans. Mr. Starkey stated that the site grading is minimal and will be the same after construction.

Mr. Starkey stated that there was little to no erosion around the property after the rains of several weeks ago. He pointed out that the area at the rear of the property is grassy and is holding up well; this will not be changed.

Cmmr. DeGabriele pointed out that there is debris at the pond line.

Mr. Starkey stated that this is the remnants of a wall. There is a plan that shows this wall.

Cmmr. Loring stated that this is a public hearing and asked if there was anyone present who would like to speak. He received the following response.

The applicant's daughter asked about replacing the wall.

Cmmr. DeGabriele stated that the wall does not serve any meaningful purpose; the lawn is stable.

Ms. Schloss stated that any work done to this wall would require a separate filing with the Commission.

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

Cmmr. DeGabriele made a MOTION to Issue a Negative 3 Determination and was seconded by Cmmr. Harbottle. The conditions to be imposed are erosion control installed as shown on plans, the removal of hay bales, and the wall is to be left as is. The MOTION was UNANIMOUSLY VOTED.

## **7 Bridle Path — Hearing**

**Lauren Demore**

**Map 34, Bl 436, Lot 6**

**Request for Determination of Applicability**

Ms. Demore stated that she would like to hook up to town sewer with 300 feet of 2" pipe; part of the work is in 100 foot buffer zone. She noted that they would like to install an ejector pump. She pointed out that the drawing shows proposed hay bales.

Cmmr. Harbottle asked about the utility easement.

Ms. Schloss stated that the easement was created for this project.

Cmmr. DeGabriele noted that construction of the trench should be done as quickly as possible and that any open section will need to be covered at the end of the work day.

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Cmmr. Loring stated that this is a public hearing and asked if there was anyone present who would like to comment. There was no response.

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

Ms. Schloss stated that the applicant may spread the hay bales on the property after the project is completed.

Cmmr. Harbottle made a MOTION for a Negative 3 Determination with Special Conditions and was seconded by Cmmr. Dowd and UNANIMOUSLY VOTED.

### **Other Business**

81-1035 Lot 7 Cardinal Circle — Request for Revision

Ms. Schloss stated the applicant is making the house smaller and the driveway bigger. This will reduce the building footprint. The change will move the driveway to the side.

The driveway will increase from 650 square feet to 1200 square feet and the size of the house will decrease from 2000 square feet to 1008 square feet.

There will be an overall decrease of 400 square feet in impervious surface from the original Order of Condition.

Mr. Dignan stated that he would like to build a deck on Sonotubes, 12' out by 16' along the house.

Cmmr. Harbottle made a MOTION to APPROVE the plan with the changes allowing the deck of a maximum of 12' x 16' and the house and driveway size changes are approved under the existing Order of Conditions and was seconded by Cmmr. DeGabriele and UNANIMOUSLY VOTED.

### **Report/Updates**

#### Community Preservation Committee Update

Cmmr. Harbottle stated that money has been allocated for a revision of the town's Open Space and Recreation Plan. This includes a list of conservation land that the town would like to buy.

#### Conservation Update

Ms. Schloss noted that there have been several sewerage overflows at the Fore River, West Cove and Whitman's Pond.

#### Property on 186 Main Street

Ms. Schloss stated that many insects were found but no amphibian eggs were found at a recent site visit and there is an abundance of algae. There was considerable discussion regarding the situation at this location.

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Ms. Schloss stated that she will send a letter to the applicant requesting more information on their proposed cleanup plan be sent to the Commission by 5/12 for the 5/28 meeting.

**April 28, 2010, Conservation Commission Meeting will begin at 7:00 P. M. at the Weymouth Town Hall.**

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

APPROVED: \_\_\_\_\_  
Laura Harbottle, Conservation Commission Clerk

Respectfully submitted: Janet Murray, Recording Secretary