

**CONSERVATION COMMISSION  
RECORD OF MINUTES AND PROCEEDINGS  
WEYMOUTH TOWN HALL COUNCIL CHAMBERS  
January 13, 2010**

**PRESENT:** George Loring, Chairperson  
Laura Harbottle, Clerk  
Adrienne Gowen, Commissioner  
Scott Dowd, Commissioner

**NOT PRESENT:** Steven DeGabriele

**ALSO PRESENT:** Mary Ellen Schloss, Conservation Administrator  
Paul Milone, Harbor Master

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**

A MOTION was made by Cmmr. Dowd to ACCEPT the minutes from the 12/9/09 meeting and was seconded by Cmmr. Gowen and UNANIMOUSLY VOTED.

**583 Randolph Street Hearing  
Anthony Mullally  
Map 56, Bl 614, Lot 16  
Request for Determination of Applicability**

A MOTION was made by Cmmr. Harbottle to OPEN the public hearing for 583 Randolph Street and was seconded by Cmmr. Dowd and UNANIMOUSLY VOTED.

Mr. Mullally appeared before the Commission for a request for Determination of Applicability. He stated that he would like to build a mudroom on the side of the house at the kitchen door. It would be 9 foot 2 inches by 6 foot 8 inches. He stated that he plans to build the mudroom on Sonotubes. The holes for the Sonotubes will be dug with a mechanical hand auger; he noted that if this becomes problematic he will use an auger on a bobcat.

Mr. Mullally stated that the beams are to be tied into the foundation of the house; there will be rebar, 4000 pounds of concrete on top of which there will be wood construction, brick clad to match the house.

Cmmr. Loring asked if there was anyone present in the public who would like to comment on this project, to which there was no response.

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

Ms. Schloss stated that erosion control is not necessary if the hole is dug and backfilled on the same day and work is not to be done on a rainy day.

The MOTION was UNANIMOUSLY VOTED.

A MOTION was made by Cmmr. Dowd to ISSUE a Negative 3 Determination for 583 Randolph Street and was seconded Cmmr. Harbottle and UNANIMOUSLY VOTED.

Cmmr. Harbottle asked if there is an appeal period. Ms. Schloss stated that the applicant starts the project at their own risk. Although the decision can be appealed, there is no waiting period.

### **Discussion re: Docks and Piers**

Harbormaster Paul Milone appeared before the Commission to discuss docks and piers. There was lengthy discussion regarding a number of issues.

Mr. Milone stated that in reviewing the number of properties along Weymouth's shoreline, more than 300 were identified. He noted that waterfront property is any lot within 50-75 feet from the shore line. He noted that he is looking primarily at the Back and Fore Rivers.

Mr. Milone stated that he wants to begin the process of getting organized as to whether the structures placed are legal. He noted that as he was considering a recent request for a pier, the property deed noted a restriction that no structure be built on the front of this specific lot. He called the Army Corps of Engineers who stated that a pier is a structure.

Mr. Milone noted that there are two types of piers. There are piers that are held in place with pilings/stick that require a state permit. There are also piers and floats that are bottom anchored by chains and concrete cinder blocks that require a town permit.

Ms. Schloss commented on the reasoning for doing this and what are we looking to accomplish. She noted the issue is to identify the properties that have existing structures, do they have permits, are they allowed to have these structures, safety, and eventually consider a fee structure.

Mr. Milone stated that the town of Hingham is working on a draft regulation and he thinks that their efforts are worth considering for Weymouth.

Cmmr. Harbottle asked if there is a fee associated with the required permit. Mr. Milone stated that there is no fee in place at this time.

Mr. Milone stated that the docks and piers are not near the channel, this is not a safety issue, although the docks need to be lit up at night time. He pointed out that there has not been a problem of boats running up on piers.

Mr. Milone stated that docks laying on the bottom during low tide are a concern as it can harm the shellfish beds. He noted that docks should have stops to prevent this from happening.

Ms. Schloss stated that work should be done to map the shellfish beds. She stated that she believes that it is important to have policies and regulations.

Cmmr. Dowd asked if there is a list of permits that have been issued.

Ms. Schloss stated that she has a list of 36 structures that have a state chapter 91 permit.

Cmmr. Harbottle noted that she is familiar with a community on Cape Cod that became concerned about the number of docks in their waterways. She stated that they have encouraged residents to share docks.

Cmmr. Harbottle stated that although a property may have a permit, this permit could be very old. She commented that whenever a change is made to a dock, a new permit is required.

Mr. Milone noted that he would like to see a town ordinance or establish a rule/regulation that floats are not to be stored on the shoreline. If there is debris that washes onto a property, the property owner is responsible for cleanup.

Mr. Milone stated that there is a question as to who owns the seawalls: the state, the town, or the property owner. He also stated that the town has received a grant for \$80,000 to review two seawalls; one on Fort Point Road and the other on Johnson Beach.

Cmmr. Dowd asked if this issue applies to ponds and lakes. Mr. Milone stated that most of these structures are on pilings/sticks so they are not as much of a concern as is the ocean.

Mr. Milone stated that he has established a code of the owner's initials and number to their property. He noted that this number is to be clearly displayed and also to be noted in a hidden spot on the pier.

Ms. Schloss noted that a shoreline survey was done in 2007. She noted that it was often difficult to relate a structure to a specific house.

There was discussion regarding whether structures are grandfathered. Ms. Schloss stated that she was not certain if Department of Environmental Protection keeps a list of the permits.

Ms. Schloss stated that she thinks this process should start with informational articles in the Weymouth News and Patriot Ledger. Cmmr. Harbottle pointed out that a good angle is needed to show what the compelling reason is for doing this such as the protection of the shellfish beds.

Cmmr. Harbottle stated that this issue regarding piers and docks needs to connect to something people care about.

Mr. Milone stated that the shellfish in Hull, Hingham, Weymouth, and Quincy must be cleansed for 48 hours after harvesting because they are contaminated by pollution from Boston Harbor.

Ms. Schloss noted that there is \$5150 left in the shellfish reseeding fund from the Cashman Mitigation (bentonite spill during MWRA sewer line construction in the Idlewell area). She noted that \$3500 has already been expended.

A MOTION was made by Cmmr. Gowen to pay for shellfish seeding in the amount of \$3500 and was seconded by Cmmr. Dowd and was UNANIMOUSLY VOTED.

## **Other Business and Conservation Report**

### Tirrell Woods

Tirrell Woods is a development that will have 51.83 acres preserved in perpetuity. There was a question regarding the tax implication if the town takes ownership of the land versus a deed restriction/conservation restriction. Non-developable land is taxed differently. The town's assessor stated she did not think there would be significant tax revenue.

Ms. Schloss noted that deed/conservation restrictions have associated legal and personnel costs. She pointed out that these costs can be burdensome.

Ms. Schloss stated that the applicant had requested some changes to the replication area as it is holding more water than anticipated. After much discussion it was decided that the applicant needs to come back in for an amended Order of Conditions if he wants to change the replication area.

### Alexan at Arbor Hill

Ms. Schloss stated that this is one of the most controversial projects. It is located on Tall Oaks Drive. This project has been on-going for 10 years. It has been in the appeals process.

Ms. Schloss stated that the applicant appealed the bond amount of \$7.5 million that was put into the Order of Conditions. The work required by the Conservation Commission only costs \$500,000. A \$7.5 million bond is not commercially available on a \$500,000 project. She noted that the court has remanded the bond issue back to the Conservation Commission. She noted that this matter should be before the Commission in February to issue an amended order of conditions; this hearing will only deal with the issue of the bond. She pointed out that 120% of the cost of the required work is what is consider reasonable.

### Whitman's Pond

Ms. Schloss stated that the aquatic vegetation management project is working well. She noted that Sonar is being used. She noted that the West Cove was treated last year and the main body near Middle Street will be treated this year. She pointed out that Community Preservation Committee (CPC) funds were applied for and approved to spend money to treat the entire main body.

Ms. Schloss stated that the conditions for this project allow for additional treatments as long as the same chemicals are used, the treatment method and proposed plan are approved by the Conservation Commission, a pre-treatment survey is conducted, and a public meeting is required.

Cmmr. Dowd stated that he is concerned about the introduction of a herbicide during the spawning period from April 15 to June 15 as the eggs attach to leafy plants.

Herring Run

Ms. Schloss noted that Marine Fisheries has received money from the hub line mitigation funds. She stated that this money would be used to remove sediment below the Jackson Square fish ladder. She noted that the velocity is impeded by rocks which has resulted in an impediment to the smelt.

Ms. Schloss stated that Brad Chase from the Division of Marine Fisheries is willing to come in to talk about it and to file a Request for Determination to remove the rocks manually to increase the velocity.

Cmmr. Harbottle stated that she would like to have the filing as a means to more fully understand the process.

Cmmr. Loring stated that the rocks should be removed to increase the velocity for the smelt. He noted that the rocks were placed by kids to be used to cross the water.

Commissioners agreed that it would be a good idea to have Mr. Chase come in to discuss the issue rather than file a formal Request for Determination.

615 Front Street

Ms. Schloss stated that this is a single family project being done in the wetland buffer zone. She noted that the limit of work has been assigned. The applicant is asking where he can mow. Ms. Schloss asked the Commission for guidance. She stated that she thinks that the assigned limit of work should be left untouched. The commissioners were in agreement.

Weymouth Landing demolition

This work will be halted between March 1<sup>st</sup> to May 31 so that no work is done while the smelt is spawning.

January 28, 2010 Meeting

There will be a workshop with other town boards to discuss open meeting laws and conflict of interest.

February 27, 2010

There will be the annual conference of the Massachusetts Association of Conservation Commissioners.

**The January 27, 2010, Meeting will begin at 7:00 P. M. at the Weymouth Town Hall.**

Cmmr. Gowen moved to adjourn at 9:15 pm. Cmmr. Dowd seconded. UNANIMOUSLY VOTED.

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