

Town Clerk

Weymouth Conservation Commission

Council Chambers, Town Hall

February 09, 2011 Meeting

Present: George Loring, Chairman
Steve DeGabriele, Vice-Chairman
Scott Dowd, Commissioner
Laura Harbottle, Commission Clerk

Not Present: Adrienne Gowen, Commissioner

Also Present: Mary Ellen Schloss, Administrator

Recording Secretary: Patricia Fitzgerald

Cmmr. Loring called the February 9, 2011 meeting to order at 7:00 PM in the Council Chambers at Weymouth Town Hall.

**Continued Notice of Intent Hearing (proposed wall)
17 & 21 Woodbine Road
DEP File #81-1078**

Cmmr. DeGabriele moved to re-open the public hearing, Cmmr. Harbottle seconded. UNANIMOUSLY VOTED

A continuation has been requested by the applicant until February 23, 2011.

Cmmr. DeGabriele moved to continue the hearing until February 23rd, Cmmr. Dowd seconded. UNANIMOUSLY VOTED

**21 Woodbine Road – Hearing
Notice of Intent (proposed dock)
Henry L. Williams, Jr.
DEP File #81-1083**

Cmmr. DeGabriele moved to open the public hearing, Cmmr. Harbottle seconded. UNANIMOUSLY VOTED

A continuation has been requested by the applicant until February 23, 2011.

Cmmr. DeGabriele moved to continue the hearing until February 23rd, Cmmr. Dowd seconded.
UNANIMOUSLY VOTED

Continued Hearing
Abbreviated Notice of Resource Area Delineation
325 Ralph Talbot Street
DEP File #81-1081

Cmmr. Dowd moved to open the public hearing, Cmmr. DeGabriele seconded. UNANIMOUSLY VOTED

Due to heavy snow cover, a continuation is requested until March 23, 2011.

Cmmr. Harbottle moved to continue the hearing until March 23rd, Cmmr. DeGabriele seconded.
UNANIMOUSLY VOTED

Violation Hearing
308 North Street

Cmmr. Harbottle moved to open the violation hearing, Cmmr. Dowd seconded. UNANIMOUSLY VOTED

Appearing before the Commission were owners Leah and Dennis McCarthy.

Cmmr. Loring asked Mr. and Mrs. McCarthy if they knew why they were asked to meet with the Conservation Commission.

Mr. McCarthy responded because their property was up against conservation land.

Mrs. McCarthy stated they will do whatever they can to help.

Ms. Schloss informed the owners that there has been a series of violation hearings and (3) enforcement orders issued against 328 North Street and that there was unauthorized fill adjacent to a wetland and possibly in Bordering Vegetated Wetland. She explained to them that Ms. Struzzieri has hired a land surveyor to identify the extent of the fill and a wetland scientist was brought in presumably by the landscape company. She told them that debris has been dumped next to the wetland without Conservation Commission approval and, based upon the survey, the Commission believes there may be some fill placed on the property and action is being taken to have it cleaned up.

Mr. McCarthy said that they bought the house in 2006 and there hasn't been any landscape companies approach them asking to dump onto their property.

Mrs. McCarthy added that they're not saying there hasn't been any dumping, but they will help.

Cmmr. DeGabriele asked them if they will take responsibility.

Mr. McCarthy replied 'yes'.

Ms. Schloss announced that there is an error on the plan regarding the neighbor's property line. Ms. Schloss said she has talked to the surveyor who said they haven't been paid yet and his telephone calls are not being returned.

Cmmr. Loring asked about Enforcement Order regulations and suggested that, since it's involving (2) properties, the Order should be the same for both properties and the Commission would not get involved in the 'proportion of fill'.

Ms. Schloss stated that the Enforcement Order given to the Struzzieris could also be given to the McCarthys; it explains what needs to be done and that the fine for noncompliance is \$50.00 per day. She continued by stating that a restorative plan and narrative needs to be done by a wetland scientist and is due by 3/11/11. She said she has spoken to 7 Neck St. and notified 11 Neck St. in writing (because they didn't have a listed telephone number) that this process was going on and they need to agree to the work being done and to grant permission to remove the small amount of fill from their property.

Cmmr. Harbottle asked why 7 and 11 Neck Street didn't get an Enforcement Order.

Ms. Schloss said she doesn't think the Neck Street properties knew about the dumping - it was just encroaching on their property.

Cmmr. DeGabriele stated he agreed and said it seems practical if the North St. properties are willing to take responsibility that it seems logical to let them take care of it and not take enforcement action against the Neck St. properties.

Ms. Schloss reviewed requirements:

- Restorative plan and narrative due by March 11, 2011.
- Removal of unauthorized fill within 25 ft. of Bordering Vegetated Wetland.
- Slope no steeper than 3:1.
- Use of erosion controls.
- Means by which vehicles will access site.
- Sequence of fill removal and restorative activities.
- An on-site inspection is required after erosion controls are installed and before debris is removed.
- When fill is removed, a wetland scientist will determine wetland line.
- Plantings and stabilization required by June 15, 2011.
- Another hearing should be held after March 11th. The Commission will review the plan and send a letter if plan is okay or if changes are needed.
- An inspection will be done after the erosion controls are installed.

- An inspection conducted after the fill is removed beyond the 25 ft. minimum set-back before planting is done.

Cmmr. DeGabriele suggested adding to the cover letter that permission will be sought from 7 and 11 Neck Street to enter their property to remove debris.

Ms. Schloss commented that she doesn't want to copy the plan, if it hasn't been paid for, but there is a problem regarding the property lines.

Cmmr. Harbottle suggested adding a note to the Order.

Ms. Schloss asked if it should be added to the Order; should the survey plan be fixed.

Cmmr. DeGabriele said the important issue is removing the debris and updating the property line is only necessary if problems arise, otherwise if the clean-up seems to be progressing, he doesn't think another survey is necessary.

Cmmr. Harbottle moved to issue the enforcement order to 308 North St., seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

Open Space and Recreation Plan

Cmmr. DeGabriele commented that he liked the point protecting the herring and protecting and promote the public drinking water but suggested a separate goal should be to enhance, preserve and protect the herring fishery. He added there should also be a "trigger for when herring trumps water needs".

The Commission discussed goals and objectives.

Cmmr. Dowd suggested the encouragement of tree planting.

Cmmr. DeGabriele brought up the issue of walls, docks and piers being built along Town waterways; many are illegal and perhaps the Open Space plan could have as a goal the minimizing of these structures.

Cmmr. Harbottle asked if there is anything regarding the Conservation Commission developing management plans for Open Spaces, to which Ms. Schloss agreed that it should be included.

Other Business

- Ms. Schloss sent an e-mail to Andy Dignan of 19 Cardinal Circle.

There was a discussion about the need for a sign language interpreter at the meetings. Cmmr. DeGabriele suggested people speak one at a time and then reminded the Commission that Mrs. Dignan can sign, if necessary.

Cmmr. DeGabriele stated Mr. Dignan understood the placement and size of the boulders that were required (and it's clearly shown on the record) and doesn't think a Partial Certificate of Compliance should be approved or else he can provide financial assurance.

Cmmr. Harbottle added "What we said is how it is".

Ms. Schloss said she is going to visit the site and asked Cmmr. Loring if he would like to go as well.

- Tirrell Woods: detail of planting of wetland replication is available.
- Weymouth Club monitoring report/violation issue: The applicant's engineer said she would come back before the Commission which needs to be put on the agenda. Ms. Schloss reported that the wetland restoration area does not meet the performance standards of the wetland restoration plans.

Cmmr. DeGabriele asked about the forebay and its maintenance. He then suggested that Weymouth Club be reminded of the original Order of Conditions and have the enforcement process explained to them.

Cmmr. Dowd offered that they can be shown what should have been done according to the Order of Conditions.

Cmmr. DeGabriele stated that they changed the plan completely and it's been long enough that an Enforcement Order needs to be issued.

Ms. Schloss commented that the only area this is concerning is the unauthorized fill in the restoration area and the Commission should let them know there is a need for them to come back.

- Prospect Hill Coastal Bank to the Fore River: They need to be brought in with a Request for Determination. Ms. Schloss will write them a letter informing them that the Commission needs an answer by April (Date?). Difficult to do a survey plan in the winter.
- Herring Run Park Middle Pool: Town wants to build a water supply connection for irrigation, near Commercial Street, 30-50 ft. from the water. Cmmr Loring suggested the Commission tell them they have to put up a barrier; Ms. Schloss added "with erosion controls".
- New Notice of Intent received for Norma Ave. There is no wetland information since 2006 and a lot of debris has been dumped over the years. With the snow cover, the wetland line can't be determined until the ground clears so it was agreed that this won't be put on the agenda until the wetland report and delineation has been completed.
- NOI for a wall repair at the Weymouthport Condos; they need comments from the Division of Marine Fisheries so they can't be heard until March 23rd. Ms. Schloss said she has the NOI.

Conservation Report

Ms. Harbottle provided the most recent Community Preservation Committee meeting handout. She reported that the CPC has bought:

- About (2) acres of raw land at the end of Woodbine Road.
- Some land on Mutton Lane, backing up to Bradford Hawes recreation area. It has a little wetland and will probably be used for recreation.
- The Kibby property, adjacent to the Abigail Adams Street Park; this would expand the park behind Neck St. and Bridge St.
- They're interested in doing something with the Back River Trail and are looking at the old landfill property where the incinerator is located (which they will take down when money is available). There is also a wireless communication device on the smoke stack.
- Cmmr. Harbottle asked if anyone knew of any open space for sale and, if so, the information can be brought to Ms. Schloss who'll notify the Planning Dept.
- Applications can be submitted at any time.

Ms. Schloss explained that CPC can't improve property on land already owned by the Town, but can improve property purchased with CPC funds. She mentioned that there is a piece of land being offered by the owner on Whortleberry Pond.

Cmmr. Dowd asked how it was that the CPC spent money on the weed cutting in Whitman's Pond.

Ms. Schloss said the CPC can spend money on restoration of degraded environmental land.

Cmmr. Harbottle said the next CPC meeting will include the Back River Trail and Legion Field fence restoration.

Ms. Schloss reported:

- Alexan - DEP Appeal: settlement doesn't appear likely. The adjudicatory hearing is set for April 5th and the Superior Court Appeal date is scheduled for February 22nd.
- 190 Idlewell – Superseding Order was not appealed and local decision was upheld. A separate filing would be needed for the planting area pathway.
- Fore River Bridge - Environmental Assessment filed and 401 Water Quality Certificate application has been received.
- South Shore Tri-Town is requesting an amendment to revise the Phase 1A storm water drainage. Some trails and park area are within the buffer zone but Weymouth Conservation Commission doesn't have jurisdiction.

There was a discussion about water usage at Southfield and the impact of 150,000 gallons of water discharging into French's Stream.

Adjournment

Cmmr. Harbottle moved to adjourn the meeting at 9:00 PM and to meet again on February 23, 2011 at Town Hall in Council Chambers, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

Laura Harbottle, Conservation Clerk

Date