

**WEYMOUTH CONSERVATION COMMISSION**

**Town Hall Chambers**

**February 13th, 2008 Meeting**

**PRESENT:** John Thompson/Chairman, Gerald Murphy/ Vice-Chairman, Cmmr. Scott Coven/Clerk and Cmmr. Jeff Kent

**ABSENT:** Adrienne Gowen

**ALSO PRESENT:** Conservation Administrator, Mary Ellen Schloss

Chairman Thompson called the February 13th, 2008 meeting of the Conservation Commission to order at 7:30 PM.

**Meredith Way, Planned Unit Development – Continued Hearing**

**Bristol Brothers Development**

**DEP File 81-1025**

Cmmr. Murphy moved to open the continued public hearing for File 81-1025, Bristol Bros., Meredith Way.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Mr. Tom Henaghen and Carl Erickson from Gale Associates, representing the applicant Bristol Brothers, came before the Board and Dr. Desheng Wang, the Commission's consultant. The applicant's father Jim Bristol, Sr. was also present.

Mr. Carl Erickson began his presentation by informing members they had made changes in their application based on comments and concerns voiced at their last hearing. The amended application included changes re. drainage concerns. He then asked Mr. Henaghen to address those changes.

Mr. Henaghen noted that a handout was distributed to the members noting the revisions made and then referred to Vernal Pool #A, as well as, drainage to the rear of the lots/Springvale Circle. He pointed out that the biggest change was the elimination of parking spaces and the post office within the vernal pool resource area. He then referred to the 3:1 slope, which he described as more gentle. Next area addressed was where House 15 was located (close to the vernal pool), stating that at the suggestion of the Commission this house has been relocated further out/pushed back. Due to this change they chose to shift the lots around. Now the new location of House 15 is completely out of the resource area.

Mr. Henaghen then recapped the resource area improvements, which included elimination of the post office and the parking area. Then he addressed the lot layout adjustments, which included:

- shifting the cul-de-sac layout
- shifting layout and house locations of House #16, 17, 18 and 19
- Moving House #15 out of the vernal pool resource area.

Next Mr. Henaghen outlined the drainage revisions re. Springvale Circle, which included:

- shifting the catch basin location and removing the discharge
- adjusting house lots 2 and 3
- Incorporating the drainage swale to improve the existing conditions.

Chairman Thompson wanted to clarify that the 100-ft. buffer was now highlighted in red, commenting that he liked that much better.

Next, Mr. Henaghen addressed Vernal Pool #A plan, citing the 100 ft. buffer and House #15, pointing out that they adjusted the footprints on houses 16, 17, 18 and 19 so that now they are not as deep – although they are still within the 100 ft. buffer. Further, at Dr. Wang's suggestion, the steep slope is now more gradual. Plans are to clean up that area and enhance the habitat area. They will be working up to the 'Limit of Disturbance' as allowed on the plan to transition the grade – also, they have allowed for a more gentle sloping – the same with House 15.

Mr. Henaghen went on to say that they will mitigate work within the buffer zone. He told members that they worked with John Zimmer, their habitat biologist, on this.

Chairman Thompson referred to the grading behind the homes and asked if the homes would have walk-out basements.

Mr. Henaghen replied 'yes', adding that they also will have a more gradual slope, front to back - probably extending 15' to 30' before there will be any formal boundary.

Because of current wet conditions, Chairman Thompson recommended that they take pictures of the site now for future reference.

Mr. Henaghen told members that after their site walk they took an official survey. They are now proposing catchbasins to be located down further to collect the runoff. He said that by moving them down they will have a less pervious area - referring to Meredith Way. He noted they have a drainage structure there to mitigate and collect the runoff from their property. Additionally, they have proposed additional contours past the swale, adding that the swale will intercept any runoff in this area - collecting the water and then recharging it. He stated that any overflow would be minimal, based on the current conditions.

Chairman Thompson asked if there were any Springvale residents present this evening in the audience - and the response was 'yes'.

At this point the residents were invited up to look at the plan and to ask questions of the proponent - and they were told that their proposal should help them with their runoff problem.

Mr. Henaghen took a moment to explain the drainage plan to them, based on the location of their homes.

Chairman Thompson stated to those present that the applicant was trying to help the residents so they would have less of a runoff problem than what presently exists.

Mr. Henaghen wanted to point out that the proponent's property is lower than theirs, adding they also have plans to add a berm.

Cmmr. Kent asked if they had the numbers to back up their figures.

At this point Dr. Wang came forward and explained to the abutters/residents that the runoff will no longer flow into their backyards.

Cmmr. Kent asked if the applicant had the ability to recharge the water into the ground if it is retained.

Dr. Wang told him that would need a little more work, adding they first want to make sure the applicant creates adequate storage.

Cmmr. Kent commented that the figures still need to verify their plan will work.

Mr. Henaghen pointed out another improvement they are proposing which would change the exposed rock on the hill to grass.

In response to a question from one of the residents, Mr. Henaghen confirmed that it would be an earthen berm.

Chairman Thompson commented that he saw it as more of a swale.

Mr. Henaghen noted that the footprint of the house was also changed in this area (Meredith Way).

Cmmr. Coven said before he made any comments, he would first like to see their calculations.

Ms. Schloss asked if the water on Meredith Way would be redirected and Mr. Henaghen replied 'yes', adding there really wasn't a way to charge the water there and he added that they could modify this portion of the road.

The hearing was opened to the public.

Mr. Michael Wolf, 94 Essex Height went up to the plan, pointing out his property and stated that he was presently experiencing a water problem. He explained that a lot of the site drained to his area (low spot) and asked "will it now be decreasing?"

Dr. Wang explained that there was a depression there that would be filled, commenting that it probably should be eliminated.

Next speaker was David Alexander, 121 Springvale - he wanted verification that the proposed plan would work.

Chairman Thompson explained to him that there is a detailed analysis done and a lot of science involved in the planning - adding that is why the Commission has hired their own professional consultant, Dr. Wang, who will judge for the members the efficiency and effectiveness of the proposal before them - making sure it works.

Chairman Thompson explained the purpose of the haybales, noting they are there to keep the disturbed earth from falling into the wetland.

Ms. Schloss stated for the record that she received some comment letters, noting they were from:

- Paul and Pat Salvucci, 159 Springvale Circle - stating they had water issues on their property.
- Other Springvale residents that wrote included;
  - Tom Dinges, 99 Springvale Circle
  - David Alexander - 121 Springvale Circle
  - Ed Palasek - 139 Springvale Circle
  - Kevin & Kimberly Grace of 129 Springvale Circle.

She told Commissioners that included in their packets was synopsis of their comments.

Ms. Schloss went on to say that she also had some outstanding administrative issues, which she sent to the applicant via a memo. They included comments on:

- the requirements of the local Notice of Intent
- the consulting fee
- Questions on a Request for a Variance - which she noted should be in writing but realized the applicant is still working on the exact footage so she will be patient. She wanted to point out that the fee re. Wetland impact is \$ .75 per foot and \$ .04 for flood plain.

Chairman Thompson verified with Ms. Schloss that the calculation still needs to be finalized as well as the monies due Dr. Wang.

Ms. Schloss replied that the Building Department has been assisting with the numbers.

Mr. Erickson agreed that the numbers still needed to be finalized, but that they were paying as they go.

Ms. Schloss confirmed that the applicant has been great about making the payments in a timely manner. At this point she was looking for a timetable and a game plan.

Chairman Thompson acknowledged this, restating they now need the calculations re. the water/runoff.

Mr. Henaghen said that was one of their goals too.

Chairman Thompson commented that he found the site walk very productive.

Dr. Wang stated that the applicant took their combined recommendations and moved the houses out of the natural habitat area and they are making every effort to mitigate/stop the water based on the soil condition. He went on to say that he could guarantee they would be mitigating, but couldn't guarantee they would eliminate the water.

Dr. Wang further stated that next thing they would have their engineer provide would be a detailed plan of the grading and he would also identify how much water would be coming out of that area. He would let the Commission know the details at the next hearing. He also reported that more storage would be provided to reduce impact. He stated that the Commission should take another look at the vernal pool this Spring. He quickly noted that their biologist couldn't find amphibians and all were quite puzzled about that, but felt any impact would be relatively small. He felt this project would be setting some type of protocol for future projects.

Mr. Henaghen stated that they would like to submit all required information to Dr. Wang prior to their next hearing date in order to allow for enough time for them to respond - which would be prior to their 4/9/08 hearing and the Chairman agreed with this timetable.

(It was noted that the information would be forwarded to the Commission by Bristol Bros. by mid-March.)

Cmmr. Coven referred to the proposed runoff from the site that the applicant spoke about - and wanted to confirm that it would NOT increase the flow into Whitman's Pond. He asked if these figures would be part of the analysis.

Dr. Wang replied that he would be commenting on that after he received their calculations.

Chairman Thompson wanted to take a moment to commend the applicant and their team for being so responsive to the comments of the Commission/Administrator/residents.

Cmmr. Murphy moved to continue the public hearing for Meredith Way/Bristol Brothers Development, File 81-1025 to April 9, 2008.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

#### **46 Beach Road - Continued Hearing**

**Mary Dorey, Applicant**

**Map 2, Bl 3, Lot 11**

**DEP File #81-1030**

**Notice of Intent**

Cmmr. Murphy moved to open the continued public hearing for Mary Dorey, 46 Beach Street, File 81-1030.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Mr. Shawn Hardy, Engineer, representing the applicant, came before the Board. He told members that based on comments received from the Div. of Marine Fisheries (DMF) they have decreased the spacing of the posts from 6-ft. on center to 12-ft. on center.

Chairman Thompson pointed out that the DMF addressed using a single pole, which he noted would reduce the number once again and asked for Mr. Hardy's comments on that.

Mr. Hardy responded that there were a number of comments that he would like to go over with the Commission that were included in DMF's recommendations. He said that he found many contradictions in the correspondence from DMF and in referring to the recommended reduction; he asked 'where is the science this is based on?' - commenting again that they also requested an increase in the previous paragraph of their letter.

Chairman Thompson acknowledged that he noted that also.

Mr. Hardy went on to note that DMF also gave another recommendation in regard to the skids; i. e., to distribute the weight of the float. He commented that it didn't make sense, emphasizing again that there were so many contradictions. In closing he asked the members 'is it important or not important?'

Chairman Thompson said he agreed with him, adding he also wanted to see the science on which they based these recommendations on, but that if the applicant cut the number of posts it would be better.

Mr. Hardy agreed, but added that DMF has asked them to cut the number in half once, then he asked them to cut the number in half again. He told members that they proposed sonotubes, brackets and 4 x 4 posts, which he noted was less labor intensive. He reminded members that this was going to be a family project and going this route would have less impact and would be less costly to the applicant.

Ms. Schloss noted that they reduced the number from (12) to (8) in the salt marsh, with Mr. Hardy responding that they already removed (6).

Chairman Thompson acknowledged this, adding that they were moving in the right direction. He told Mr. Hardy that he understood his point in regard to redesigning their entire proposal.

Cmmr. Kent spoke next and said that based on the recommendation of DMF in regard to the single post support, he expected the request would be for a 12 x 12 or 10 x 10 support. He felt that if they went with the 4 x 4 that would be more reasonable to him.

Chairman Thompson commented in regard to reorienting the pier, he didn't know how he could do that.

Mr. Hardy replied 'right', recalling they discussed that at the last hearing.

Chairman Thompson said that in the future the Commission will be looking at a more uniform guide for docks/piers for all applicants.

At this point Ms. Schloss distributed a 'revised table' for the Board's reference entitled "Recent Docks and Piers" noting seven (7) properties with a dock/pier in North Weymouth that have been before the Board.

Chairman Thompson acknowledged the table, noting it showed what the Commission has allowed in the recent past.

Cmmr. Kent commented that he felt the DMF failed to give thought to 'practicality'. He said if a float sits on the beach, there is 4" of water and from there you get into a dinghy, then there's 20" to get onto the float which he commented was not practical. He reiterated that they needed to take practicality into consideration.

The hearing was opened to the public. No one spoke.

Cmmr. Murphy moved to close the public hearing for 46 Beach Road, Mary Dorey, Applicant, DEP File #81-1030.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

#### **46 Beach Road**

**Mary Dorey, Applicant**

**Map 2, Bl 3, Lot 11**

**DEP File #81-1030**

#### **Order of Conditions**

Cmmr. Murphy moved to issue a Standard Order of Conditions for File 81-1030.

Cmmr. Kent seconded.

Discussion: Ms. Schloss recommended that special conditions be added for this project and referred to her handout.

Members discussed each of the recommended special conditions, most of which were pretty standard.

It was agreed that Condition 29 would be reworded to read:

No construction equipment or construction materials are permitted on the adjacent salt marsh during construction. Foot traffic shall be limited to that which is necessary to construct the project.

Conditions 32 and 34 would be eliminated (file note, there was no #33).

Then members discussed Condition #35 Re. Upland location; i. e., if removed for the off-season, the dock shall be stored in an upland location. The dock shall be floated to and from its installed location only at high tide. This is a continuing condition and shall not expire with the issuance of a Certificate of Compliance.

Re. #35, the applicant stated that there was room to store the float on the beach, not on the salt marsh.

This was acceptable to the Commission.

Cmmr. Coven moved to amend Cmmr. Murphy's motion so that it included the specials as discussed.

Cmmr. Murphy accepted the amendment.

UNANIMOUSLY VOTED

## **21 Mountain View Road - Hearing**

**Map 3, Bl 1, Lot 9**

**DEP File # 81-1032**

### **Notice of Intent**

Mr. Mario DeGregorio/Wetland Scientist representing the applicant Rob Gabriel/applicant and builder came before the Board. Mr. DeGregorio began his presentation by distributing a handout to the Board. He described the site as being an isolated wetland with the characteristics of a vernal pool, which he added needed to be protected. The applicant's proposal was for construction of a single family dwelling, which would be located no closer to the wetland line than what presently exists.

Chairman Thompson noted that he was proposing to add blueberry bushes.

Mr. DeGregorio acknowledged this, adding they would also be including arborvitae. He felt that the greenery would be good for demarcation. He went on to say that the proposal before them calls for razing the existing structure (a run down bungalow), and to replace it with a new colonial dwelling. He said that the site presently includes red maples and habitat; i. e., salamanders. He said that they would be retaining the red maples and also the large tree on the property for the wildlife habitat/cavity nesters. He felt their proposal was pretty straight forward - recapping they would be razing the current structure and constructing a new home in the same space. He believed that the Administrator agreed with the delineation, adding that the project was designed to protect the vernal pool and the isolated wetland.

Chairman Thompson commented that he liked the attention to detail as well as the protection of the wildlife.

Ms. Schloss questioned moving the erosion control line up as it presently passed through the plant zone.

The applicant said he could move it further north (referring to the arborvitae).

Ms. Schloss replied 'fine', then asked if he would just have the blueberries on the other side of the fence and Mr. DeGregorio responded 'yes'.

Ms. Schloss asked about the size of the arborvitae and Mr. DeGregorio said they would be about 3 ft. high.

Ms. Schloss said she would like to include in the Order of Conditions an 'ongoing' condition that would say 'they shall not be disturbed without the approval of the Commission'. Additionally, she was proposing to include a Condition requiring dewatering.

Chairman Thompson commented that he liked the planting idea and applauded Mr. DeGregorio for this proposal.

Cmmr. Coven asked about parking and the applicant told him that the driveway would be on the left side with the runoff draining into the street. Further he explained that the fence would be removed when they demolished the home.

Ms. Schloss reviewed the proper use/type of pesticides/fertilizer with the applicant.

The hearing was opened to the public.

Mr. Michael Bresnahan/abutter questioned the applicant's use of the septic system.

Mr. DeGregorio explained that it would be demolished; adding that the Town's system was hooked up in this area in the 70's but the owner never hooked up, now they will use it.

Ms. Schloss questioned the knotweed, asking when excavate could they move the fence in another direction and Mr. DeGregorio explained that they would first need to remove the roots to get rid of it.

Ms. Schloss told him that this would be in their Order of Conditions.

Cmmr. Coven said they would need to eliminate use of pesticides on the lawn due to the vernal pool species, with Ms. Schloss informing the Commissioner and the applicant that this is covered in a standard Order of Conditions.

Cmmr. Murphy moved to close the public hearing for File 81-1032, 21 Mountain Road.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

#### **21 Mountain View Road - Hearing**

**Map 3, Bl 1, Lot 9**

**DEP File #81-1032**

##### **Order of Conditions**

Mr. Murphy moved to issue a standard Order of Conditions with the Special Conditions as discussed for File 81-1032, 21 Mountain View Rd., based on the recommendation of the Administrator.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

#### **Tern Harbor Marina - Hearing**

**Map 3, Bl 1, Lot 9**

**DEP File # not available**

##### **Notice of Intent**

Commr. Kent moved to open the hearing for the Tern Harbor Marina,

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

Commr. Kent moved to continue the hearing for the Tern Harbor Marina, to February 27, 2008 at the applicant's request.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

#### **File 81-1018**

**1546 Commercial Street**

**Jackson Square Donuts**

##### **Request for Certificate of Compliance**

Ms. Schloss reported that this project was all set, adding that she has received the 'as built' plan and the only item that left to be addressed at this point was removal of the haybales - based on that she was recommending approval of the Certificate of Compliance.

Cmmr. Coven moved to issue a Certificate of Compliance for File 81-1018, Jackson Square Donuts once the haybales are removed.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED



**File 81-756 and File 81-963****Weathervane Project****Request for a Partial Certificate of Compliance****File 81-756 and File 81-963****Weathervane Project****Request for an Extension to Order of Conditions**

Mr. Carl Erickson, representing the applicant Bristol Bros. came before the Board. He explained that the wetland replication that consisted of 63,000 sq. ft. had gone through two growing seasons as required - and now they were requesting a Partial Certificate of Compliance. He also stated that he, Ms. Schloss, Dr. Wang, Tom Henaghen and John McGrath visited the site in September and at that time John McGrath recommended the applicant submits a request for a Partial Certificate of Compliance - and if approved by the Commission they will be out of the Performance Bond which is in the amount of \$30,000.

Ms. Schloss supported this request.

Cmmr. Murphy moved to issue a Partial Certificate of Compliance re. File 81-756 and File 81-963, Weathervane.

Commr. Kent seconded.

UNANIMOUSLY VOTED

Cmmr. Murphy moved to extend the Order of Conditions for a period of one year, effective March 24, 2007. File 81-756 and File 81-963, Weathervane.

Commr. Kent seconded.

UNANIMOUSLY VOTED

**Meeting with Mayor Sue Kay**

Chairman Thompson reported that he met with Mayor Kay along with Ms. Schloss and Jim Clarke. During the meeting he asked her why they would take taxable property off the tax roles and accept it as conservation land and she said the property was of low value and would serve better under the town's jurisdiction. She requested that the Commission accept the parcels.

Cmmr. Murphy moved to accept the gift of the following three parcels as conservation land:

1. Map 10, Block 128, Lot 13 - off Colonial Road
2. Map 4, Block 36, Lot 17 - Witawaumet/Paomet
3. Map 44, Block 504, Lot 2 - off Forest Street

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Chairman Thompson went on to say that they had a productive meeting with the Mayor and spoke about opening up parcels of conservation land in the future, using conservation funds for signage/enhancing conservation areas.

Mayor Kay responded 'where there is a will, there's a way'; which he felt was very encouraging.

Other items they spoke about included:

- a formalized plan for docks/piers; dealing with the large coastline
- the Commission's goals/objectives
- future use of college interns

Chairman Thompson told members he would be drafting a letter to Mayor Kay expressing how happy he was with the meeting and to encourage her to pursue an intern program.

**Other Business and Conservation Report.****Conservation Restriction for Fore River Park**

In referenced to the Conservation Restriction for Fore River Park, Ms. Schloss reminded members that last August they discussed areas such as Lovell Grove, land by the MWRA pumping station, land by Fore River - with conservation restrictions. It has been agreed that Fore River Energy is to provide annual funds to the town for maintenance once the Conservation Restriction goes into effect. She felt she might have these documents ready to sign by the next meeting.

**Approval of Minutes**

Cmmr. Coven moved to approve the minutes of the 1/9/08 meeting and the minutes of the 1/23/08 meeting as amended.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

**Conservation Report (cont'd)**

Ms. Schloss reported that Tirrell Woods, which consists of 48 units, will be on the next agenda. She wanted to point out that the area includes 12,000 sq. ft. of wetland fill and that the Commission would need its own consultant for this large and complex project. Additionally she felt it might require an Environmental Impact Report.

Lastly Ms. Schloss informed the Commission that she received very good news; i. e., that they/Town have been awarded a \$25 ,000 grant for the Herring Run which she recently applied for.

**Adjournment**

Cmmr. Coven moved to adjourn at 9:22 PM and to meet again on February 27th, 2008; Meeting will be at 7:30 P. M., at Weymouth Town Hall/Town Council Chambers.

UNANIMOUSLY VOTED

Respectfully submitted,

Susan DeChristoforo  
Recording Secretary

APPROVED: \_\_\_\_\_

Scott Coven, Clerk

DATE: \_\_\_\_\_