

WEYMOUTH CONSERVATION COMMISSION
Town Hall Chambers
February 27th, 2008 Meeting

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

ALSO PRESENT: Conservation Administrator, Mary Ellen Schloss

Chairman Thompson called the February 27th, 2008 meeting of the Conservation Commission to order at 7:37 PM.

Minutes

Approval of minutes was tabled until the next meeting.

Tern Harbor Marina - Continued Hearing

DEP File # 81-1034

Cmmr. Murphy moved to open the hearing for the Tern Harbor Marina, File #81-1034,

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Commr. Kent moved to continue the public hearing for Tern Harbor Marina, File #81-1034 to March 26, 2008 at the request of the applicant.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

Tirrell Street - Planned Unit Development - Hearing

Ryder Development Corp.

DEP File #81-1033

Notice of Intent

Cmmr. Murphy moved to open the hearing for the Tirrell Street, File #81-1033, Kenneth Ryder Applicant.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Mr. Al Trakimas/PE from Sitec represented the applicant Ryder Development Corp/Kenneth Ryder, who was also present.

Mr. Trakimas began his presentation by informing the Board that the project has been before the Commission before and they have also appeared before the Zoning Board of Appeals, but noted this is the first time it has been officially back before them since the area delineation. He went on to describe the site which was approximately 57 acres -the locus going from Tirrell Street up close to Front Street, with almost 80% of the site going toward Worthern Avenue and 20% toward the Tirrell Street side.

Mr. Trakimas reminded members that they had filed an ANRAD for the Nash portion of the property in 2005 and recorded their Order of Resource Delineation at that time, which is still active. Also in 2003 they filed an ANRAD for the Tirrell Street side of the site, which expired in 2006. Now they are looking at Planned Unit Development and have prepared a Preliminary Sub Division Plan which has gone through the Planning Board. It was at that point they appeared before the Commission to firm up the BVW with the Nash portion. He wanted to point out that the 48-lot count has not changed, adding the applicant has decided to go with the PUD/Planned Unit Development.

Mr. Trakimas further stated said that originally the plan was for property off Tirrell Street with a hockey rink and a multi-unit development, with the entrance off Aster Circle. This proposal called for more units and involved two wetland crossings. He also wanted to note that the site also includes a vernal pool. He told members that Mr. Ryder ultimately agreed with the Zoning Board of Appeals to define the work area to the south side of the transmission lines. Based on this change out of 57 acres, they will only be working on 5 acres - or out of 57 acres, 9.3% will be subject to development and 97% will be put under a conservation easement (north of the power lines), with no further development proposed. He noted that access to the site would require a wetland crossing. He told members that Mr. Ryder chose to meet with the folks of the Sportsmen's Club and at that time addressed development of the upland area, which lessens the impact of the crossing. He obtained their permission to do this. He informed members that they have reduced the proposed development area/wetland crossing by approximately 7,600-sq. ft., when they went from 19,000-sq. ft. to 12,000-sq. ft. for the crossing. At this point they still have access to municipal utilities and sewer/water.

Next Mr. Trakimas addressed the details of the wetland crossing, stating they are proposing a 1:1 replication for the crossing. He explained that this proposal is filed under a 'Limited Project', noting the Commission has the right to decide what amount of replication is appropriate. He restated that they were proposing a 1:1, but they could provide more if the Board wants more. At this point they feel they have satisfied the intent of what replication is needed, adding he felt by preserving the area and leaving it untouched they are meeting the requirements. He wanted to emphasize that they have put forth every effort to mitigate what they are proposing to do, adding it took a long time and a lot of work to achieve this (years).

Chairman Thompson applauded Mr. Trakimas' presentation, commenting that he found it well done. He wanted to point out that although the state requires 1:1 replication, Weymouth requires 2:1 - but added that his proposal meets the intent. He then asked Mr. Ryder if his proposal was feasible when he was only developing a small portion of the property.

Mr. Ryder replied that it has taken him 10 years to get to this point, which included a lot of hearings and meetings with the abutters. He acknowledged that it was a difficult parcel and a different type of proposal, but he felt it left most of the site natural while it still worked. He felt it was a good project and with the economy of housing. He also noted that it would be available to first time homebuyers - and was in a convenient location being near the expressway. He informed members that the Nash house would be resold as a single family and residents in the area were happy with that.

Chairman Thompson next asked if the site could be reflagged, noting it had been three years since it was last done.

Mr. Trakimas replied 'yes', adding that the field crew had already done it. He acknowledged that people go by the flag numbers on his plan and that there were other numbered flags out there that weren't the applicant's, with Mr. Ryder interjecting that they might be Algonquin's.

Ms. Schloss referred to her Administrative Comments on her handout and asked the Commission if they were in favor of hiring an independent consultant. She said, if so, they first must get a project cost estimate/breakdown. Then at that point they could let the future consultant know they have a budget and that they would need to work within that budget. Additionally, she noted, they have also received DEP comments that need to be addressed. She then asked the applicant how he envisioned the Conservation Easement working - and how the language was worded.

Mr. Ryder responded that the Conservation Easement would be given to the Town, suggesting that possibly a trust could be put in place, but he would leave that up to the Town's discretion.

Ms. Schloss asked if the easement would be accessible to all Town's people and Mr. Ryder replied 'yes'.

Ms. Schloss then addressed the 'roadway crossing', which she said was her most significant concern at this point. She was looking at 310 CMR 9, and was referring to the outstanding resource water. She said it contains requirements for different types of projects - and allowed for access for dwelling units. Those over 5,000-sq. ft. would need an alternative analysis. She then read this into the record:

'For the loss of more than 5,000 square feet cumulatively of bordering and isolated vegetated wetland and land under water for access to any number of dwelling units, a span or other bridging technique is presumed to be practicable. New permanent crossings shall conform to the General Standards contained in the latest version of the Massachusetts River and Stream Crossing Standards: Technical Guidelines.'

Ms. Schloss then referred to the 401 Water Quality Certificate - that will be required by DEP and said the applicant should have one design permitable for all parties. She stated that she didn't think that much fill would be allowed, but if it turns out to be less it wouldn't require as much replication. She then noted that she had given the applicant a copy of the list of the comments and concerns she was addressing - which she commented included the same information she prepared in 2005/2006.

Next item Ms. Schloss spoke to the Wetland Protection Act - noting this was a Limited Project and that the 5,000 sq. ft. of fill was at the Commission's discretion. She pointed out that the applicant needs to show the roadway, which needs to be constructed in such a way that it will not impede the flow of water. With regard to drainage - all flows to Mill River, an Outstanding Resource Water. She felt this item might need more documentation showing flow directions and conditions. She pointed out that there were some significant changes in the DEP regulations in regard to infiltration and that they would need more information on the recharge rate, as well as, more detail mapping of the site.

Mr. Trakimas told her that they had pretty much all of the information she was requesting as well as information on test pits, including detailed information on hydric soil/locations. He wanted to emphasize to the Board/Administrator that he felt their numbers were pretty conservative, adding that the amount of recharge they are providing greatly exceeds what's required. Additionally, he revisited his Storm Water Management Commentary and based on that he didn't see any changes.

At this point Ms. Schloss commented 'great', and then went on to ask about the test pits. She referred to the roadway runoff with no pretreatment, commenting they might want it to be directed to a pretreatment device. With regard to construction through the wetland, she wanted to see details with regard to protection. Additionally, she said they would need measures (eg; clay dams) to prevent future dewatering of the wetland through the utility trenches.

With regard to the Replication area - Ms. Schloss said if the roadway design changes, they would need additional information including detailed plantings and a grading plan. She asked, "what's there now verses what type of vegetation is proposed?" She also wanted some documentation validating that the pool is not a vernal pool.

Mr. Trakimas referred to the ORAD - commenting that they are looking at a potential vernal pool behind the Nash house, adding that their Wildlife Scientist has a report they can submit about this for the record.

Ms. Schloss asked if there was any fill proposed re. the flood plain and Mr. Trakimas replied 'not on this side of the property'.

Ms. Schloss referred to Protection of Wildlife, noting this was not checked off on the application form. She said they might want to submit a narrative/assessment of wildlife habitat, adding they can check on this further with their consultant - and see what the state requires. She said they might need to address this further in some way with regard to trees 6"+ wide. She said there were so many they might want to do a total count.

Chairman Thompson felt that the consultant they plan to hire could handle a lot of this information. He wanted to remind all that the applicant had decided to leave 90% of the site undeveloped, which was highly unusual.

Ms. Schloss asked if there were any improvements proposed for Tirrell Street and Mr. Trakimas told her they were still working on this with the DPW, but he would give her what they had to date.

Mr. Ryder wanted to note that it was not an orthodox street as the width varied from 13' to 18', adding that the ZBA requires 20'.

Commr. Kent commented that the plan looked great. He then noted that pipes were 15".

In response, Mr. Trakimas replied that they are proposing (2) 18" pipes. In addition, he noted that a very small area pertains to the crossing. He informed members that when the Pond is full it flows to Route 3 from two directions. He then commented that the Administrator noted that they should abide by the stream crossing guidelines - and that the bottom one third will allow for an animal crossing and meet the 100 year event.

The hearing was then opened to the public.

Natalie Proctor, 15 Tirrell Street spoke. She said that they are getting more water on their property all the time, adding more now than ever before. She said it possibly could be from clogged culverts and/or caused by work on Martin Street. She told members that flooding was her big concern and she felt that this work would make things worse.

Chairman Thompson told her that they can investigate her claim as they move forward.

Ms. Schloss noted that there appeared to be a ponding area there. She said they investigated this and found a blocked culvert, pointing out that it is in their Order of Conditions and it has been required that it be opened up. She said in their investigation they found the culvert to be very damaged. She said they spoke about a reshaping plan with John Richardson, yet this work still has not been done. Based on this she has told the owner there could not be a Certificate of Compliance until this work was done.

Chairman Thompson asked if she thought the reshaping plan would help and Ms. Schloss replied 'yes'.

Jane Ahern, 29 Tirrell Street spoke next. She said she saw the culvert. She noted that behind her house is a pond, noting that her house is located at the bottom of the hill where there is water all the time. She wanted to point out that for the first time there was water in her basement, and she was concerned that this work would make it worse.

Chairman Thompson asked who was responsible for maintaining the culvert and Ms. Schloss told him that it was privately owned by the owner of Lot 4.

Chairman Thompson commented that he didn't know if the DPW could help or if the Commission could direct the culvert to be cleaned.

Ms. Schloss noted that this was part of the outstanding Order of Conditions.

At this point it was agreed that Ms. Schloss would send a letter to both the DPW and the owner of Lot 4 about cleaning the clogged culvert.

Richard McCulley, 348 Summer Street was the next speaker. He stated that in the rear of his property is a bit of wetland. He asked 'once the work starts will the wetland stay at the present level?' Additionally, he stated, there's also a small stream there - and asked if the water table might increase after/during construction?

Chairman Thompson pointed out that an important part of the proposal is the drainage calculations, and the applicant would need to demonstrate that there would be less runoff post construction.

Cmmr. Coven moved that the Conservation Commission hire a professional consultant paid for by the applicant (with the applicant in agreement).

Commr. Kent seconded.

UNANIMOUSLY VOTED

Chairman Thompson stated that once the Commission receives the cost of the project they would know what amount of money they would have to work with.

Commr. Gowen moved to continue the hearing for Kenneth Ryder, Tirrell Woods, File 81-1033 to March 26th (with the applicant in agreement).

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

Westminster Road

File 81-913

Request for an extension to Order of Conditions

Ms. Schloss told members the project belongs to Andrew Dignan and consists of (9) lots. She said the work has been going kind of slow that is why the extension has been requested. To date (4) four homes have been built and they are presently working on the fifth and starting number six.

Cmmr. Murphy moved to issue a one-year extension to File 81-913, Westminster Road.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Other Business - Conservation Report

Tern Harbor Bulkhead Replacement Update

Ms. Schloss addressed the Tern Harbor Bulkhead Replacement - taking a moment to distribute photographs of the site to the Board. She said that the work done is not as proposed. She also noted that the condition of the wooden bulkhead was very bad, with the sediment going right into the water. She was thankful that the applicant installed a turbidity curtain at the beginning of the project, which has helped to some degree. She felt overall it was kind of a mess, but it was coming along. She went on to say that she has been in contact with Marilyn Wade, the LSP from URS Corporation. She wanted to note that it was a Hazardous Waste Site, but to date most of it has been cleaned and capped. She wanted to point out that one area near Weymouthport had impacted soil. In summary, she found the experience to be a good lesson for her.

Lot 6 - Cardinal Circle

Ms. Schloss told members that she met with Andy Dignan who wanted to install a retaining wall at the edge of the slope, noting that it was the erosion control line too. She told Mr. Dignan that it would be fine and asked him to bring the erosion control line around, which he will do.

\$25,000 CZM Grant Update

Ms. Schloss reported that there will be funding for engineering design of Storm Water Improvements to the Herring Run. At this point they need to hire a professional consultant to work with them on this, emphasizing they are on a compressed time frame. She felt it would be an exciting project.

\$5,000 Due from Kenneth Ryder

Ms. Schloss next reported that they should be receiving \$5,000 from Ken Ryder re. the Water Street Apartment Building project (this is part of his 2002/03 Order of Conditions). She said she will remind him of this.

Sewer Overflow Reports

Ms. Schloss told members that due to the heavy rains (3" in 24 hours) there have been a lot of sewer overflows - including one on West Lake Drive and Commercial Street. Although it is not good news, it has been happening a lot less frequently since the upgraded work has been done.

New Business

Commr. Kent told members that there is a potential issue at Smelt Brook/Fore River. He said that a member of the Coast Guard approached him and spoke to him in regard to an overflow problem in this location. He said aerial pictures were taken and he should be receiving them in a few days.

Ms. Schloss told him that she would like to have a copy so she could forward them to the DMF/Division of Marine Fisheries.

Adjournment

Cmmr. Murphy moved to adjourn at 8:57 PM and to meet again on March 12th, 2008 at 7:30 P. M. at the Weymouth Town Hall/Town Council Chambers.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Respectfully submitted,

Susan DeChristoforo
Recording Secretary

APPROVED: _____
Scott Coven, Clerk

DATE: _____