

WEYMOUTH CONSERVATION COMMISSION
Town Hall Chambers
March 25th, 2009 Meeting

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

ALSO PRESENT: Conservation Administrator, Mary Ellen Schloss
Town Councilor Arthur Mathews and Town Councilor Ed Harrington

Chairman Thompson called the March 25th, 2009 meeting of the Conservation Commission to order at 7:38 PM.

Minutes: February 11, February 25, 2009 for review and approval
Minutes were tabled until the end of the meeting.

Alexan at Arbor Hill
Continued Public Hearing
DEP File #81-1046

Cmmr. Murphy moved to open the continued public hearing for Alexan at Arbor Hill, DEP File 81-1046.
Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Mr. Stuart Clark/Registered PE for Gale Associates and Alexan's Project Manager represented the applicant Trammel Crow, who was also present - along with Andrew McKown, Civil Engineer and blasting consultant for the applicant.

Mr. Richard Sweeney, PE/Senior Engineer and Rich Albano, Senior Wetland Scientist from TetraTech Rizzo peer review consultants for the Weymouth Conservation Commission were also present - as was Robert Palermo, Senior Vice President of GZA, the Commission's blasting consultant.

Chairman Thompson began the public hearing by explaining to the many residents present that the agenda this evening was continued to address the questions on blasting. To achieve a knowledgeable discussion on the subject the applicant hired a blasting consultant for the Commission in addition to their own.

At this point Andrew McKown was introduced and he took a moment to inform those present that he had a Civil Engineering Degree from Tufts University as well as a Masters from MIT. This evening he would be speaking as an expert on drilling and blasting projects. He has assessed the impacts of blasting in the wetlands, essentially concentrating on Wetland "C", which he viewed as the resource area closest to the blasting. He explained that the closest area that would be affected would be 6 ft, above the level of the wetland - adding that the blasting would be done vertically. Further there would be no fracture within 6'-5' laterally and no fracture below that point. In summary, there would be no fractured rock at the wetlands - and based on that he was comfortable stating that there would be no adverse impacts to the wetland.

Cmmr. Kent asked 'is there any possible way they could open a vein of water supply when they did the blasting.....like going down 18'?

Mr. McKown response was he wasn't sure.

Cmmr. Kent then asked 'could you open a new source of water'?

Mr. McKown explained that there was no blasting planned at the level of the wetland - based on that they couldn't drain the wetland. He went on to say that the site contained massive bedrock and there would be very little recharge due to fracture in the rock, so, no recharge would be affected. With regard to Wetland "C", they plan on excavating 4'-6' and then to drill 1'-2' below - so in essence they would be 6'-8' above the wetland - or probably less.

Cmmr. Kent asked if the water table would be below the rock and Mr. McKown confirmed that the water table would be below the level of blasting.

Cmmr. Kent asked about the affects to the neighborhood.

Mr. McKown informed him that the state of Massachusetts requires that they perform a 'pre-blasting' survey.

Cmmr. Gowen referred to the inspection of the condo units and asked if the applicant would be responsible for those.

Mr. McKown told her that the state requires a pre-blast survey as well as the monitoring of vibrations in the area of the homes.

At this point Chairman Thompson introduced the Commission's blasting consultant, Robert Palermo.

Mr. Palermo gave his background, stating that he was the Senior Vice President of GZA (located in Norwood) and that he had 34-35 years experience in this field. He further stated that Ms. Schloss asked him to take a look at the site, which he did on 2/27/09. In addition prior to his appearance this evening, he reviewed Mr. McKown's report, pointing out that his (Mr. Palermo's) report could be found on the Town's website. In conclusion, he felt the applicant's proposal was reasonable and he did not see any impact to the wetland.

Mr. Palermo went onto say that he had two recommendations:

First - that the Blasting Plan should be submitted to the Weymouth Building Dept. with a copy to the Commission noting the confined blasts. He explained that at long as it is a shallow blast, it would reduce the amount of energy as well as the opening of the joints.

Secondly, Mr. Palermo was requesting that Andrew McKown be on site when the blasting takes place within 100 ft. of the wetland.

Cmmr. Coven asked Richard Sweeney, the Commission's consultant - would you question anything that was commented on, based on Mr. McKown's report.

Mr. Sweeney confirmed that he had no new questions of the applicant, adding that they did answer some other questions with regard to blasting at the top of the hill and the amount of ledge involved.

Mr. Albano referred to Wetland "C", asking about the blasting that would take place closest to the resource area - and the possibility of upsetting the hydrology. He further stated that he was satisfied with the applicant's response based on the Storm Water Management System, noting that

the proposed hydrology would not affect the vernal pool. In regard to the issue re. Wetland C drying out - he said that based on their analysis (6'-8' above the wetland) - he was satisfied that Wetland "C" would not be dried out.

Ms. Schloss wanted those present to know that the Blasting Reports could be found on the Conservation Commission's web page, and that 'hardcopies' were available this evening (in the hallway outside the Chambers). She further reported that she received one (1) comment letter from Joe Partrie, a Trustee for Tall Oaks Condominiums located on Tall Oaks Drive, which is now part of the record.

Chairman Thompson then said he would be opening the hearing for public comment and cautioned those who wished to speak that this was a 'Conservation' hearing and that issues relating to Planning, Building, Zoning, DPW etc. would have to be addressed with the appropriate department. He also asked that those who chose to speak address issues that are new and have not been previously discussed - that they try not being repetitive.

The first speaker was Town Councilor Mathews. He began by stating that he has been attending these public hearings for six months. He said he was concerned that some of the questions/comments by the residents that were previously submitted to the Board and to his knowledge had not been answered. He suggested the Board refer to copies of the minutes and submit a list of the outstanding questions to their consultant and ask that they be answered. He noted that he has received calls and emails from the residents noting this.

Chairman Thompson agreed that the hearings have been going on for six months and that all questions have been brought to the attention of the experts. Further all have been given an opportunity to speak at every public hearing voicing their concerns. He wanted to point out that all consultants were present this evening and were available to answer any questions the residents might have. He then asked anyone with outstanding questions to feel free to ask them of the experts.

Town Councilor Mathews replied that he couldn't give the specifics of those questions at this time.

Chairman Thompson said he understood, emphasizing that the Board has tried to address everyone's questions/concerns as well as protect everyone's property rights. He also wanted to point out that he has made every effort to give everyone an opportunity to speak at each of the public hearings.

Town Councilor Mathews commented that letters have gone to the Commission with questions about the project in the past, and he would like to see them addressed.

Chairman Thompson said that to his knowledge any questions relative to the Conservation Commission had been answered.

Cmmr. Kent noted that a lot of questions and comments referred to displacement of the wildlife. In reference to that wanted to remind those present that the Commission is charged by the state to represent the laws of the Town/state including their bylaws. He commented that they couldn't deal with every ant and bug in an area that has become somewhat of a dumping ground.

Cmmr. Murphy spoke next and asked any residents with questions to ask them now.

Susan Freitas said she was concerned with the wetland study that was conducted last Winter, which she viewed as being inaccurate and incomplete. She felt the study should be conducted in the Spring when they would find different types of amphibians, such as, salamanders, frogs, etc. Further she

was concerned with the tree planting on the property line, which involved Wisteria Point and Lot 3. In her opinion, due to the ledge, the roots wouldn't grow and wouldn't be successful.

Chairman Thompson thanked Ms. Brady and explained that the Commission is charged with protecting the resource area and obeying the law. Further all have property rights, including the applicant. Further if the applicant is meeting the Standards of the Law, it is against the law for the Commission to tell them they can't develop their property. He emphasized that it is a difficult position.

Ms. Freitas stated that when she bought the property she was told the abutting land was a 'wildlife sanctuary', adding to see it disappear is depressing.

Cmmr. Gowen acknowledged that it was a beautiful area, adding that the Board is trying to do the best they can according to the law. She realized that it would no longer remain 'open space' - but would have buildings on it and further that blasting will take place, but she felt the animals would return.

Ms. Freitas disagreed.

The next speaker was Kathy Boomer, 115 Burkhall Street, Wisteria Point - She felt there was a lack of trust. When she moved into her unit she was assessed \$10,000 because the foundation of her building was falling - adding she was a widow. She stated that whoever inspected the buildings did not do their job and acknowledge that they were not up to code - because of that the owners suffered greatly. When they complained their Board representative told them that too much time had passed to do anything, adding 'yet that builder has been allowed to build someplace else - and their windows don't fit'.

Chairman Thompson said he was sorry to hear that, but wanted to point out that these were not conservation issues.

Mike Delmont (Professor), 120 Burkhall Street spoke next. He told members that he was a professor. He then referred to the blasting, which was one of his main concerns. Next he cited the language from the consultants regarding the proposed blasting and he quoted; i.e., 'I would say yes' - "probably" which he felt was not very reassuring. He also noted that Mr. Palermo used the words "I don't think" and Mr. Sweeney "there may be a question regarding the downstream impact". He went on to note that because they were professionals he would have expected stronger language. Next he referred to Mr. Albano's comment "the hydrology would not be harmed or dried out". In summary, he was concerned about the proposal. He said that blasting within 30 ft. was a big concern for him.

Next Mr. Delmont cited the National Heritage & Endangered Species in regard to the vernal pool certification, noting that as of January 2009 the definition of 'vernal pools' has been questioned - as well as the methods used to identify a vernal pool. He also cited amphibians who lived there; such as, frogs, peepers, toads and their eggs. He noted that with the new changes, vernal pool certification has become easier. He also voiced his concern regarding 'endangered species'. He said he saw the word 'replication' in the proposal, adding he would like to know more about the 'proposed standards'. With the recent changes he now could see "C" and "D" being certified as vernal pools. He told members that the elevation of ground water is another concern for him. In summary he saw so many questions and a lot of speculation. He emphasized that they should have stronger language to enforce their comments. Further he saw personal property at stake from the proposed blasting. Lastly he wanted to see the vernal pool protected, citing them as one of our national resources.

Chairman Thompson thanked him for his presentation.

Ann Colletti, 160 Burkhall Street was the next speaker. She stated that her condo faces the wetland and the blasting area. She had concerns about the blasting affecting her home. She also wanted to know if any of the units were classified as Section 8 and Chairman Thompson told her she would have to ask that question of the Zoning Board.

The next speaker was Amy Beaudain/teacher from 160 Burkhall St. She said that she realized some the questions asked this evening were under the jurisdiction of other Boards, but asked the Commissioners to take their role regarding this proposal seriously. She asked the members if they had walked the site and the Chairman told her that all members have, adding that they all take their role as Commissioners very seriously.

Ms. Beaudain then asked if the project was approved would they have any recourse.

Chairman Thompson explained that there was an appeal process open to all.

Ellen Pearson asked if all of the homes would be pre-inspected before the blasting.

Mr. McKown replied that they would, explaining that the pre-blast conditions survey involves the interior/exterior of the homes in the area and in addition pictures would be taken.

Ms. Pearson asked about the geographical area of the inspections and Mr. McKown told her it would include all abutting homes on abutting streets. He informed her that the requirement is 200 ft. radius of the blasting area. He then read that the streets involved would include Circuit, Burkhall, Lynway and McDougall - in addition to any others required by the regulation.

Mary McCauley, 118 Tall Oaks Drive told the Board that she understood the pressure they were under. She noted that she had submitted a letter with questions that included what would be in place to protect the homeowner after the project is completed. She asked if the Commission could put terms and conditions on the project.

Chairman Thompson replied 'yes', explaining that an Order of Conditions requires the proponent to adhere to strict and stringent conditions, some being 'boiler plate', others being special conditions specific to this project - such as the requirement of a Performance Bond.

Ms. McCauley felt she had brought valid concerns to the Board, and wanted to note that she was not against the developer - she just wanted a smart developer.

Dan Levy, 204 Tall Oaks Drive - He referred to those homes/condos 200 ft. from the blasting zone - and asked what protects those who live farther than 200 ft. who might experience damage.

Chairman Thompson said they would be requiring a Security Bond by the developer to protect against future problems. He added if you are 215 ft. away and experience a problem you would have recourse.

Ms. Schloss wanted to clarify that the 'conditions' could not apply to private property damage,

Chairman Thompson commented, if it's illegal so be it, but the Commission would do anything and everything they could.

Cmmr. Kent asked if it might be possible for the applicant to inspect homes beyond the 200 ft. line.

Harvey Welch was the next speaker. He said that the rock they were referring to was more like a

mountain - which they would be blasting. He asked 'how can it not affect where the water will flow?' (referring to the area behind Wisteria Point).

Chairman Thompson told Mr. Welch that the experts had previously addressed that issue earlier this evening.

Mr. Michael Faracco/Tall Oaks Drive asked if there was anything to protect the wetland that might be impacted in the next five years - after the blasting takes place - if not, how would it be handled?

Chairman Thompson told him that the proponent would be required to have a bond in place.

Mr. McKown told Mr. Faracco that he didn't see how it could happen, but if so any negative affects from the blasting could be repaired.

Mr. Faracco asked how long the bond would last and Chairman Thompson responded 'possibly 5 years'.

Mr. McKown explained that any cracking of rock happens immediately, not 1 minute later - 10 minutes later or 2 years later.

Mr. Palermo agreed, added that additionally if you look at the elevation, the organics would hold the water there. He explained that 'any rock has cracks in it', adding that actually they are self-healing.

Chris Ho, 116 Burkhall Street cited similar projects, commenting that years ago they didn't do enough to protect the environment. At this point he didn't see what was being proposed as being enough, just 'meeting' the guidelines. He felt they should 'exceed' the guidelines. He went on to say that in the applicant's presentation they state because of the ledge they need to provide mitigation, which they acknowledge, cannot be done properly. Based on that statement, he felt that maybe the project shouldn't be approved. He said he had faith in the Commission and if the project gets the green light it is not necessarily the Commission's fault. In closing he said we all need to take a look at the conservation laws and making possible changes.

Town Councilor Harrington referred to Professor Delmont's comments, regarding the relaxation of criteria for vernal pools. He said if this is the case could we take another look at the areas of concern.

In regard to the status of vernal pools, Mr. Albano stated that this past weekend he attended a conference on vernal pools at Stonehill College. Based on what he learned, he wanted to point out that there is a misunderstanding out there regarding vernal pools and their guidelines. In all actuality the rules are now more stringent with the outcome being it is now more difficult to define a vernal pool, and this change was to assist in withstanding court tests. So as of March 1st, 2009 it is now more difficult to certify a vernal pool. He wanted to point out that the vernal pool on this site was certified based on the local ordinance, not National Heritage. He further specified that Wetland "C" meets the definition under the Weymouth Ordinance - which is the same as being certified under the state.

Chairman Thompson wanted to out that the applicant actually went above and beyond, with Mr. Albano responded 'precisely'.

Town Councilor Harrington felt that 'now' was a good time to look at the masses of egg masses and Mr. Albano agreed.

Town Councilor Harrington had a question regarding the wells and Chairman Thompson informed him that the wells were not a conservation issue.

Town Councilor Harrington said he was encouraged by the Commission's comments regarding the need for bonding. He then referred to the displacement of wildlife, adding that he felt some would be annihilated. He also wanted to remind the audience that the Commissioners serve as public servants, as do the Town Council.

Town Councilor Harrington then took a moment to read a thank you letter, which also formalized its opposition to the Alexan at Arbor Hill project. The letter stated, in part, that they felt the peer review process was flawed and that any of the proponent's problems outlined were solved by the Commission's consultants. He went on to inform members that he has been working with Town Councilor Mathews to formalize the peer review process. He felt that Mr. Sweeney didn't address the downstream flooding, with Chairman Thompson disagreeing stating the both Mr. Albano and Mr. Sweeney had addressed downstream flooding.

Mr. Sweeney said he was asked this question in February but didn't have the chance to finish his comments at that time. He explained that the applicant showed the post-runoff, which was significantly less than existing peak rate runoff. He also questioned another area not in the buffer zone, clarifying it did not fall under the Conservation Commission's jurisdiction.

Ms. Schloss wanted to point out that the Town has its own Storm Water Ordinance administered by the DPW - and they have the right to take it beyond the Commission's jurisdiction.

Mr. Clark wanted to point out that if there is a decrease in the runoff site, the reduced amount of water goes downstream. He also wanted to emphasize that their proposal confirms that the peak rate of runoff has been decreased.

Town Councilor Harrington responded, in his opinion, he didn't believe that the proponent answered the question regarding runoff.

Mr. Clark referred to the infiltration issue and the overland runoff - and reiterated it is now 'less' than pre-development runoff.

Town Councilor Harrington wanted to clarify that was he was referring to the applicants comments that it was done to "the maximum extent possible" - and based on those words he didn't understand how the applicant could say it was less.

Chairman Thompson explained that the applicant has complied with the requirements 'according to the law'.

Town Councilor Harrington acknowledged this, but added he felt the applicant just be saying that could make it all okay. He felt they should come closer to 65%. He didn't feel the applicant was dealing in good faith. He also felt Mr. Sweeney wasn't really in agreement with this, but acknowledged that bottom line the decision was up to the Commission.

Chairman Thompson wanted to clarify that the law says they 'must' make a decision on the application and to assist them in doing so they hired experts in the field to help them make a determination. He emphasized that the Commission does not make a decision 'shooting from the hip' - that they have hired the best.

Town Councilor Harrington said he felt the project was too big and there was a loophole that was just alarming. He realized it was a subjective phase.

Chairman Thompson stated 'that is why we have elected officials - to change the laws if that's how they feel'.

The next speaker was Joanne Marques, 60 Circuit Road - she said that the blasting was one of her biggest concerns, adding that the applicant never addressed this in the detail. She also questioned the on-site rock crushing. She felt the applicant should have been more forthcoming. With regard to the blasting report, she felt the peer reviewer used words that should not have been used. She noted that no one knows where the ground water level is located. She commented that they should consider the long-term impact, adding that approximately 100 submitted their names in opposition to the project. She felt there were many unanswered questions and cited her letters to the Commission dated 10/22/08 and another in 2009. She further questioned Richard Sweeney's presentation and comments where he used the words: would, should, likely. She also wanted to note that the entire project was within the watershed,

Ms. Marques then referred to Wetland "C" and "D" - and the design points. She stated that a 24-hour storm event must demonstrate no flooding take place off site. She next referred to new Basins 2A & 2B - questioned their overflowing. She felt that they used creative methods. She also questioned Trammel Crow being trustworthy. She said that decisions aren't based on peer review opinions, but on laws and common sense. She also noted that the Commission has discreet authority to deny the proposal and urged the Board to do so.

Nicole Saultz questioned the accuracy of the wildlife study and urged that it be redone in the Spring.

Chairman Thompson explained that a study of this nature could be done at any time of year because it is based on scientific facts. He added that there is also a misconception that if you have water you have a wetland, and explained that this was not necessarily the case - noting that these decisions are based on scientific plant biology, that includes the composition of the soils. He noted that some have questioned if the project meets the new standards, and ask if the Board could wait to make their decision to see if the law passes. He informed those present that this was illegal.

Professor Mike Delano spoke again - he asked about the zoning re. the Flood Insurance Program and asked when was the data accessed.

Chairman Thompson said it was a bureaucratic measurement of flood control, which would not affect this project.

Prof. Delano asked about the 100-year flood plain and Chairman Thompson told him that this has already previously been addressed.

Prof. Delano then asked about the endangered species program and referred to the Facultative Species method - stating when it says 'egg masses' it implies relaxation of standard.

Chairman Thompson stated that Mr. Albano reported the laws in that regard make it more difficult for the proponent.

Prof. Delano thanked the Chairman.

Town Councilor Mathews had additional questions/comments - and stated that some of his

constituents had submitted letters with questions, some of which he was told remained unanswered. He asked that the letters be revisited and that all questions be answered (referring to Mrs. Marques).

Chairman Thompson invited Mrs. Marques to ask any questions that she felt were unanswered.

Susan Freitas came before the Board once more and asked about the animals and affects from blasting - and if there was any procedure in place that would address their unanswered questions.

Chairman Thompson asked which ones she was referring to and she replied that she was questioning what would happen to the animals after the blasting.

The Chairman replied that they would obviously leave the area.

Ms. Freitas also wanted to know about the tree planting.

Chairman Thompson replied that their experts have informed them that the applicant's proposed tree planting not only meets the requirements, but exceeds them. With regard to the peer review issue, he reported that the Commission asserted use of the local bylaw and the applicant went along with it.

Ms. Marques cited 2A & 2B re. storage capacity - their overflow and the calculations.

Mr. Clark explained that they have proposed a 2-basin system, which will handle the flow better and also reduce the water flowing to Ms. Marques' property - up to a 100-year storm.

Ms. Marques referred to the encroachment on the 50 ft. No Disturb Zone and asked how it was justified.

Ms. Schloss interjected that in regard to residential use, the No Disturb Zone is not 50 ft. but 25 ft.

Ms. Marques noted that the prior system overflowed in a 10-year storm, but now the applicant says the new system doesn't - she couldn't understand that. She next questioned the flooding off site.

Mr. Sweeney explained that 'flooding' is a function of peak flow runoff - not the volume, emphasizing once again that it has been reduced by the applicant.

Mr. Clark further explained that the State regulates peak 'flow' not 'volume'.

Commr. Kent asked about the downstream capacity, noting that is regulated by the state, who requires post development be less than pre-development - noting they have met this requirement.

Ms. Marques then questioned what 'does' and 'does not' cause flooding, adding that she hoped they could determine that. She went on to say that she believed this project was designed to drain her property and asked that the Commission take a good look at those facts. In closing she asked that the Board take a good look at all the material she submitted including the photographs.

Elizabeth Webster, 122 Tall Oaks Drive - asked about assessing the wildlife in the Spring.

Chairman Thompson explained that the wildlife could be assessed at any time of year - when experts do it.

Ms. Webster then questioned the potential damage to the road by the trucks removing the rocks from

the ledge - as well as safety concerns brought about by the increase in traffic.

Judy Donovan, 120 Burkhall Street noted that her place was located 30 ft. from the property line of the new development and was constructed on a slab foundation. Based on that she was concerned with the flooding. She also referred to the sloping of the parking lot. She felt that the applicant should not be permitted to fill Wetland C or D nor should they be granted a Variance. She asked the Board to revisit the proposal and to make sure the wildlife/breeding were addressed, which she felt should be protected. She commended the Commission's recognition of Wetland "C" as a vernal pool, but questioned protection of the vernal pool.

In response to one of the questions, Ms. Schloss noted that the applicant requested a Variance, from the provision requiring 100 ft. protection of the vernal pool. She also noted that Mr. Albano said that a form of protection to the vernal pool is the proposed open space to be preserved; also the elevation difference.

Ms. Donovan replied that she was concerned with the blasting and the possibility of "C" drying up. Additionally vehicles might bring in sludge/grease to the wetland from the parking lot.

Chairman Thompson explained the requirements of mitigation and that they validate that it is working.

Ms. Donovan replied that she didn't trust the calculations and felt that protecting the resources should be the primary interest as opposed to housing for the Town.

Mr. Welch asked how much rock would be blasted and the applicant replied that it was not known at this time.

Mr. Welch responded that he couldn't understand that.

Mr. Clark explained that they know the elevation, but not the volume - adding that's how we know how deep to drill.

Ms. Freitas said she would like to request that the volume of rock be quantified.

Chairman Thompson told her that was not under the Commission's jurisdiction.

Cmmr. Murphy told those present that a lot of this is common sense and logic. He said that the Commission has heard a lot of professional opinions and they would be making a decision on this proposal soon. When the time comes, his opinion and recommendation would include calling for a 5-year bond, post construction most likely in the \$5,000,000 range.

Cmmr. Murphy moved to close the public hearing for Alexan on Arbor Hill, File 1046.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

234 King Phillip Street

Public Hearing

Map 48, Block 508, Lot 7

DEP File 81-1055

Notice of Intent

Cmmr. Murphy moved to open the public hearing for File 81-1055, 234 King Phillip Street.

Cmmr. Kent seconded.

UNANIMOUSLY VOTED

Chairman Thompson noted for the record that the applicant was not prepared to proceed this evening and has requested a continuance - and they planned to return with totally revised plans.

Atty. Mathew Watsky, Rod Gaskell, Wetland Scientist and Al Trakimas, PE from Sitec - all representing the applicant came before the Board.

Cmmr. Murphy recused himself, as he was a resident in the area of the proposed project.

Atty. Watsky gave the background of the proposal stating that they would like to get a sense of the Commission's feelings on their new proposal. He then gave a brief overview of their new plan vs. their original plan.

Mr. Gaskell/Sitec described the land as being 7-acres in size, six (6) of which are wooded swamp. From the regulatory view, it is viewed as wetland. He further stated that the first plans before the board tried to stay under 5,000 sq. ft. of fill. Then they rethought that proposal. He quickly added that Ms. Schloss was satisfied with their wetland delineation. He wanted to point out that the wetland was highly altered. Further there is an additional sewer easement, adding there was 7,800 sq. ft. of wetland. Their new plan calls for adding fill over the easement and over the existing fill, which they believe will have substantially less impact to the resource area. He said at this point he wants to work with Ms. Schloss and the neighbors on the proposal, and then return before the Board with resolved issues.

Atty. Watsky acknowledged that there was a lot of interest in this project - and because of that they decided to meet with the neighbors - and plans are to meet with them again to explain the new changes.

Chairman Thompson acknowledged that less impact to the wetland would be viewed more favorably.

Town Councilor Harrington wanted to confirm that the proponent took the time to meet with the neighbors in good faith.

Mr. Gaskell explained to Lee Magedoo/resident that the original plan was to go through the wetland, to stay under the regulation limit of 5,000 sq. ft. - now the plan is to go over the area already filled and the sewer easement for the purpose of lessening the impact to the resource area.

Chairman Thompson confirmed this approach was far less invasive.

Cmmr. Coven moved to continue the hearing for File 81-1055, 234 King Phillip Street to 5/13/09.

Cmmr. Kent seconded.

UNANIMOUSLY VOTED

23 Ells Avenue - Public Hearing**Map 48, Block 508, Lot 10****DEP File 81-1055****Notice of Intent**

Cmmr. Kent moved to open the public hearing for File 81-1056, 23 Ells Avenue.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

(Applicant submitted abutter mailing notifications/green cards for the file).

Mr. Norman Preston/applicant came before the Board along with his representative Mario DeGregorio/Wetland Scientist.

Mr. Preston told members that he planned on razing the home at 23 Ells Avenue and build a new 3-Bedroom, 1-½ Bath home. At this point he presented pictures depicting the property pre and post construction.

Chairman Thompson asked about the impact to the buffer zone and if the work was going to take place within the buffer zone.

Mr. DeGregorio replied 'yes' that it would take place within the buffer zone. He described the size of the lot as being 10,000 sq. ft. He explained that there would be a 30 ft. setback and that the wetland was located in the southerly portion of the property. For erosion controls, plans are to install a silt fence and hay bales. They would also be planting white pine for mitigation purposes to augment erosion control/wildlife habitat. The house would be located closer to the wetland line. Further away would be the shack, which is on the lot now. Further the site includes a wooded swamp with Red Maple Elm and other types of trees - as well as Loose Strife. He noted that the delineation was done on 2/7/09 when there was ice/snow. He reiterated that plans called for a 30 ft. setback and mitigation would be provided. He also told members that from an aesthetic viewpoint, the new home would be further from the wetland and would augment the wildlife and enhance the neighborhood.

Mr. DeGregorio went on to note that the Administrator has been on site and viewed the wetland line. He described the location of the Red Oak as being on the upland side - and recommended leaving the trees. In closing he felt this was a very straightforward application.

Cmmr. Coven asked about the grading or a change in landscape and the applicant replied that there would be minimal grading.

Ms. Schloss told members that she was okay with the wetland delineation, adding she sees it as a bordering vegetation wetland. She realized there was also a large Red Oak there, which will have to come down. She suggested they try to infiltrate a little bit of water, because it's a tributary to the Mill River.

Lastly Mr. Preston noted that the property slopes to the wetland.

Cmmr. Kent moved to close the public hearing for File 81-1056/Ells Avenue.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

Weathervane Project

File 81-756

Request for an Extension of Order of Conditions

Ms. Schloss told members that she was all set with the applicant's progress report and supported the one-year extension.

Cmmr. Murphy moved to issue a 1-year extension to the Order of Conditions for Weathervane/File 81-756 based on the recommendation of the Administrator.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Weathervane Project**File 81-963****Request for an Extension of Order of Conditions**

Ms. Schloss reported that she also was in support of this extension for Weathervane.

Chairman Thompson said he would like to see Weathervane's quarterly progress reports and asked Ms. Schloss to pass this request on to the applicant - and she agreed to do.

Cmmr. Murphy moved to approve a one-year extension to Weathervane's Order of Conditions, File 81-973.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Other Business**Approval of February 2009 Minutes**

Cmmr. Coven moved to approve the minutes of the 2/11/2009 minutes as amended.

Cmmr. Kent seconded.

UNANIMOUSLY VOTED

Cmmr. Coven moved to approve the minutes of the 2/25/2009 minutes as amended.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

Conservation Report**357 Neck Street Dock Update**

Ms. Schloss informed members that work was to have begun on the dock, but to date it has not - and she had reminded them that the work in accordance with their Order of Conditions had to be conducted before the growing season begins on 4/15/2009. In speaking with the owner she was told he cannot meet this deadline. Further they have asked to change the manner in which they proposed to construct the dock and do the work instead by foot, with tripods being placed on the salt marsh as well as drilling posts - and have requested her assistance in doing this.

At this point it is her recommendation they return before the Board to discuss the proposed change and she proposed it be handled via an 'amended' Order of Conditions.

Members were in favor of this and Ms. Schloss will inform the property owner.

Legion Field Update

Ms. Schloss reported that the replication at Legion Field will begin this Spring.

Ms. Schloss went on to say that she has met with Mayor Kay re. water supply issues and the Mayor told her that she would like the Conservation Commission to weigh in on this issue (re. water withdrawals, possibly relating to the Base.)

Meeting with DPW re. use of Herbicides

Ms. Schloss will meet with the DPW re. herbicide treatment in West Cove/Whitman's Pond. She noted they can't hydro rake there. Further discussion is needed.

Herring Run Planting

Ms. Schloss reported that the Herring Run planting needs to be reaffirmed with the DPW.

Grant Application Update

Ms. Schloss informed the Board that two (2) grant programs available which might be of interest to the Commission (1.) 319 Grant re. Storm Water Treatment for the Herring Run, which requires a 40% match (total cost between \$300,000-\$320,000). She suggested that funds might come from the CPA. She has spoken to Jim Clarke and Scott Coven (Commission's representative to CPC) about it.

Secondly there is a '604B Program Grant' - \$50,000-\$100,000, which she referred to as 'free money' (no match). She felt it could possibly used for Whitman's Pond, adding the funds come from 'stimulus money'.

Annual Herring Run Clean-UP Scheduled for 4/4/09

Lastly Ms. Schloss reported that the Annual Herring Run Clean Up will be held on Saturday, April 4th at 8 AM.

The next meeting is scheduled for April 8th, 2009 at the McCulloch Building, 182 Green Street, North Weymouth - and will begin at 7:30 PM.

Adjournment

Cmmr. Murphy moved to adjourn at 10:45 PM.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Respectfully submitted,

Susan DeChristoforo
Recording Secretary

APPROVED: _____
Scott Coven, Clerk

DATE: