

**WEYMOUTH CONSERVATION COMMISSION**  
**Town Hall Chambers**  
**April 30th, 2008 Meeting**

**PRESENT:** John Thompson/Chairman, Gerald Murphy/Vice-Chairman, Cmmr. Scott Coven/Clerk. Cmmr. Jeff Kent and Cmmr. Adrienne Gowen arrived at 8 PM).

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

Chairman Thompson called the April 30th, 2008 meeting of the Conservation Commission to order at 7:45 PM.

**Minutes:** March 12th, 2008; March 26th, 2008; and April 9th, 2008 for Review and Approval  
Minutes were tabled until later in the meeting.

The Chairman stated that they would be taking some of the agenda items out of order until Commr. Gowen arrived.

**9 Bridge Street, Fore River Station - Continued Hearing**  
**DEP File #81-1038**

Ms. Schloss informed the Commission that she had spoken with the applicant who had requested a continuance due to an unresolved issue pertaining to the easement on site. The project involved repairing a deteriorated bulkhead and demolition of a concrete wharf. She noted that the Algonquin gas line also goes through this area.

Cmmr. Coven moved to grant the continuance for File 81-1038, Fore River Station to May 14, 2008 as requested by the applicant.

Cmmr. Kent seconded.

UNANIMOUSLY VOTED

**Off Main Street - Hearing**  
**Map 57, Bl 624, Lot 17**

**Request for Determination of Applicability**

Chairman Thompson began the meeting by requesting an update from the Administrator.

Ms. Schloss stated that the Wetland Scientist, John McGrath, who represented the applicant was present this evening and she asked that he make his presentation first.

Mr. McGrath told members that he was before them as the applicant's representative. He described the location of the property as being on the west side of Main Street, just before the bridge by the train track (adjacent to the old Naval Air Base). He further described the site as being wooded with old pavement and an old foundation/hole, adding it was pretty much upland with vegetation and standing water that was sitting on the pavement. In addition there was a small depression which he felt could have been a building foundation, with the bottom dominated by black willow. When he was on site in March he found water at the bottom, adding he didn't view it as a protected resource area.

Mr. McGrath went on to say that he felt it would be helpful if the Commissioners also made a site inspection, noting that there was nothing specific being proposed at this time.

Chairman Thompson asked if the property had gone out to auction and Mr. McGrath replied that there was an auction sign there now.

Chairman Thompson told Mr. McGrath that he and Ms. Schloss discussed the site, adding that it was possibly under the Town By-law's jurisdiction and believed it would meet the criteria of a Negative Determination.

Ms. Schloss said she saw it as a Negative "1" Determination and proceeded to read the definition.

Mr. McGrath commented he saw only one plant in the hole.

Cmmr. Murphy moved to issue a Negative 1 Determination.

Cmmr. Kent seconded.

UNANIMOUSLY VOTED

(Ms. Gowen arrived)

**Tirrell Street - Continued Hearing**

**Ryder Development**

**PUD/Planned Unit Development**

**DEP File #81-1033**

Cmmr. Murphy moved to open the continued public hearing for File 81-1033/Tirrell Street, PUD.

Cmmr. Kent seconded.

UNANIMOUSLY VOTED

Mr. Al Trakimas/PE from SITEC, representing the applicant Ryder Development Corp/Kenneth Ryder, came before the Board.

Mr. Trakimas reminded members that their hearing had been continued to allow time for their response to Dr. Desheng Wang's (the Commission's consultant) comments.

Chairman Thompson told Mr. Trakimas that he saw some outstanding issues that he would like to address. He further commented that the Commission was pleased with Mr. Ryder's donation of the 52 acres which would be preserved, but noted that they could not abdicate their responsibility regarding the balance of the project and that they needed to apply the Rules & Regulations to this project in an effort to protect the resources. At this point he proceeded to discuss some minor outstanding issues which included the status of the filing fee. He said that he didn't think this submittal was complete as it appeared there was a \$1450 balance. He told Mr. Trakimas that they could forego the subdivision fee in this instance but again, would need payment of the \$1450.

Mr. Trakimas agreed, adding that he would confirm this payment with Mr. Ryder.

Chairman Thompson told Mr. Trakimas that he saw the biggest issue with the project was the wetland crossing for the 46 units. He noted that he was in receipt of a copy of the easement granted by the Sportsman's Club. Further, in regard to it being designated as a 'Limited Project', certain concessions would need to be addressed so they did not deprive the proponent's ability to develop the project. He then read the definition of a Limited Project for the members/applicant.

Next Chairman Thompson referred to the 'access' criteria, commenting that he didn't see addressed in this application, when the Sportsman's Club granted the easement to Kenneth Ryder.

Mr. Trakimas responded that he hadn't seen that easement language the Chairman referred to, at which point Ms. Schloss gave a copy to Mr. Trakimas.

Chairman Thompson stated that he found he was in conflict when applying the applicable law and treating this proposal as a 'limited project' with its inherent benefits. He suggested that the applicant consider redesigning the driveway.

Ms. Schloss then referred to 310 CMR 10.53 (e), which was read into the record.

Chairman Thompson said that he could see some benefits referring to the look of the project and the objection raised by the Sportsman's Club. He told Mr. Trakimas that he didn't see that the utilities necessarily had to be located through this particular roadway, although he could look at the bigger picture. He assured the applicant that he wanted to work with him on this and do it the right way.

Mr. Trakimas replied your comments sound reasonable.

Ms. Schloss stated that they also needed to look at the plan as an alternative. She asked if fill would be needed if crossing in the cart path area. She told Mr. Trakimas that the Commissioners would need to compare and be aware of the impacts. She felt that it needed to be dramatically revised, adding that they were now talking about 12,000 sq. ft.

Chairman Thompson agreed with the Administrator, telling the applicant that the Commission needs to see an alternate analysis and that they would also need to know what they are giving up.

Mr. Trakimas said he understood. He clarified that they were talking about the same plans they had before. He also stated that the Administrator has a copy of the letter they sent to the state (mailed out 1½ wks. ago) requesting that they clean the culvert, with a copy sent to the DEP. He said he would follow up on it.

Chairman Thompson said he was glad to hear it.

Mr. Trakimas confirmed that the remaining comments would be addressed once the remaining roadway is agreed upon.

Chairman Thompson wanted to point out that there was still a lot of work pending on the roadway. He then asked the applicant how much time he would need to get the requested information back to them.

After some discussion it was agreed that all parties should be ready for the 5/28/08 meeting.

The hearing was opened to the public.

Ms. Natalie Proctor spoke, stating that she would be interested in where the road will be located, adding that the roadway as originally proposed would be a nightmare for the young couple who just bought the house on Tirrell Street, and it would also be for her who lives at the top of the hill. She went on to say that if the road goes in on the side of the Sportsman's Club, it would be easier for all of them.

Chairman Thompson agreed, adding we need to protect the resources, but also need to do things in a practical manner.

Ms. Schloss spoke to Ms. Proctor about the clogged pipe, noting that the broken (middle) pipe would be removed and replaced by the owner on Martin St. and at that point the flow should be functional.

Ms. Schloss said she would like some written documentation from the applicant on why they can't use the access road (Mr. Trakimas understood). She then addressed the project review fee for the Commission's independent consultant. She told Mr. Trakimas that they needed to have the total cost of the project in order to come up with the appropriate fee, but quickly added that she realized he might not be able to do that until the roadway issue is resolved. With regard to Tirrell Street Improvements, she said they need to be able to incorporate them into the drainage plans.

Mr. Trakimas replied that if the roadway is changed, they would have to be revised.

Cmmr. Murphy moved to continue the hearing for File 81-1033/Tirrell St., PUD to May 28, 2008.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

**81-1025 - Meredith Way  
Planned Unit Development  
Orders of Conditions**

Ms. Schloss began discussion of Meredith Way by reminding members that this hearing had been closed at the last meeting.

Chairman Thompson said there was a request to continue the issuance of the Order of Conditions so that the applicant had time to respond to Dr. Wang's comments.

Ms. Schloss told members that she has prepared some draft conditions for their consideration, adding that the applicant has agreed to a two week continuance regarding issuance of the Order of Conditions.

Cmmr. Murphy moved to continue the issuance of Order of Conditions for Meredith Way/PUD to the 5/14/08 meeting.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

**211 Sheri Lane/Randy Hill**

**File 81-985**

**Request for Certificate of Compliance**

Ms. Schloss explained that the project was an Order of Conditions for a pool and trees were cut down without permission before the Order of Conditions was issued. She said she also informed Mr. Hill, property owner, about this violations and that he would need to do some replanting. In addition he would need to come before the Board to get their permission for the pool as well as the fence. To date there has been no fine or Enforcement Order issued. She further explained that he said the work was part of the permit for the pool.

Chairman Thompson pointed out that the trees were chopped down prior to the work being done.

Ms. Schloss further stated that Anne Paradis recently sent out follow up letters to all applicants with outstanding Orders of Conditions in an effort to have all files brought up to date. In response to this letter, Mr. Hill forwarded an incorrect form (in October) and this is what brought the matter to her attention.

Chairman Thompson told members that Mr. Hill has also planted incorrect plants, not wetland species as directed. In addition, the fence was installed in a different location than the one that was approved - and with all these changes he still has requested a Certificate of Compliance.

Members were opposed to approving a Certificate of Compliance.

Ms. Schloss then took a moment to show pictures of the site to the Board, along with a copy of the approved planting plan.

Chairman Thompson clarified that the fence was supposed to be located at the edge of the retaining wall, but now it is 10-15 ft. off this approved location.

Chairman Thompson wanted to note that Sheri Lane is a big neighborhood and in a wetland area, emphasizing the Commission needs to be consistent in these types of rulings.

Ms. Schloss told the Board that the husband works out of state and is away from home most of the time. She has spoken to the wife and told her additional plantings might be required and she was okay with that.

Chairman Thompson referred to the fence placement, describing it as going to the edge of the upland, then into the wetlands. He also noted that he didn't see any damage to the resources, but again felt he needed to be consistent and fair to all in the approval process.

Ms. Schloss didn't feel there would be anything gained by having the fence moved, adding it is allowed in the buffer zone.

Chairman Thompson suggested they could fine the owner for the improper work, viewing it as part of the educational process.

Ms. Schloss stated that the fine would need to be issued under the local ordinance.

Chairman Thompson felt that the requirement of additional plantings would send the appropriate message.

Ms. Schloss suggested that the owner be required to hire a wetland scientist to educate him and send him in the right direction rectifying his non-compliance.

The Chairman thought that was a good idea.

Ms. Schloss wanted to point out that the Order of Conditions included 'no additional removal of trees and shrubs' and required the owner provide the following:

- a sketch
- planting plan that included native shrubs, etc.

Cmmr. Murphy reconfirmed that the owner did not comply with what was submitted and approved by the Commission and at this point action should be taken by the Board.

Ms. Schloss suggested they also require the addition of some plants inside and outside, including the use of wildlife seed mix.

Chairman Thompson asked the Administrator to send Mr. Hill a letter stating that unfortunately the Commission cannot grant a Certificate of Compliance at this time, because he did not comply with the approved Order of Conditions and that he be required to appear before the Conservation Commission to address the status of the project.

Cmmr. Kent recommended that the owner be required to comply with the approved planting plan/location, emphasizing that the Commission wants to see him abide by the plan. He also wanted to point out that in the future all submitted plans submitted be to scale, etc.

Ms. Schloss agreed, adding the plan should have been a survey plan and confirmed that she will be sending out the letter as outlined by the Chairman.

#### **169 Randolph Street Violation**

Chairman Thompson referred to the 169 Randolph Street location, adding that Bill Woodward the previous contact for this location was attending a Hanover Conservation meeting this evening, but has agreed to come before the Commission at the next meeting on 5/14/08 to address this violation.

#### **Tayla Drive - File 81-758**

Ms. Schloss told members that in 1999 Mr. Arnold, representing the applicant, requested a Certificate of Compliance for 35 Tayla Drive - and in his letter he said all conditions had been complied with the exception of the final phase of landscaping. Additionally, it was noted, that there was a letter in the files by the past Administrator, Bill Woodward, stating the site meets the conditions and that a Certificate of Compliance would be issued at the next meeting. Further the file shows that one Certificate of Compliance was issued, but not this one. The reason it has come up is because the new owner applied for a pool permit and the pool goes through the wetland line, and at that time it was discovered that the new and old wetland line are substantially different. After some discussion Ms. Schloss said she agreed with Cmmr. Kent and that at this point they should sign off on the Certificate of Compliance, but to make sure that the owner does a good job with the installation of the pool.

It was also noted that because the former owner was told the Commission would issue a Certificate of Compliance by Mr. Woodward, it would be in order to do so now.

Cmmr. Murphy moved to issue a Certificate of Compliance for Tayla Drive, DEP File 81-758.

Cmmr. Kent seconded.

**UNANIMOUSLY VOTED**

#### **Approval of Minutes**

Cmmr. Murphy moved to approve the Minutes of the March 12, 1008 meeting, the March 26, 2008 meeting as amended by the Administrator.

Cmmr. Kent seconded.

**UNANIMOUSLY VOTED**

Cmmr. Murphy moved to approve the Minutes of the April 9, 2008 meeting as amended by the Chairman.

Cmmr. Kent seconded.

**UNANIMOUSLY VOTED**

#### **Adjournment**

Cmmr. Murphy moved to adjourn at 9:09 PM and to meet again on May 14th, 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: \_\_\_\_\_