

Town Clerk

**Weymouth Conservation Commission
McElroy Meeting Room, McCulloch Building**

May 11, 2011 Meeting

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

Not Present: Adrienne Gowen, Commissioner

Also Present: Mary Ellen Schloss, Administrator

Recording Secretary: Patricia Fitzgerald

Cmmr. Loring called the May 11, 2011 meeting to order at 7:00 PM in the Mary McElroy Room, McCulloch Building at 182 Green Street, Weymouth, MA.

Minutes

Cmmr. Dowd made a motion to approve the minutes from April 13, 2011 as written and amended, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

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

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

Appearing before the Commission was Brad Holmes, a Professional Wetland Scientist with Environmental Consulting and Restoration, on behalf of applicant Sarkis Vosbigian.

The Commission had received a revised ANRAD plan (ANRAD site plan, 325 Ralph Talbot St., prepared by Neil J. Murphy, Assoc., Rev. date 5/4/2011) and a wetland report (letter report from Brad Holmes of environmental Consulting & Restoration, LLC, dated 4/5/2011).

The ANRAD plan has been revised; the inland bank to Old Swamp River was too far down gradient and has been located at the mean annual high water mark and first observable break in slope, per the regulations for a perennial stream. (There was a discrepancy within the Bordering Vegetated Wetland delineation because the Japanese Knotweed that is present is, by definition, an upland plant.) Mr. Holmes stated that no work is being proposed with this application

Ms. Schloss said she has walked the site and is comfortable with confirming the line.

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

Mr. Holmes said the flood plain is based on the FEMA flood zone elevation 117 Town of Weymouth datum.

Ms. Schloss asked if the Commission could get confirmation in writing that the flood zone elevation is based on on-the-ground survey, to which Mr. Galvin (who arrived late) agreed.

Cmmr. Harbottle moved to approve the ORAD based upon the ANRAD plan, confirming the BVW, the MAHW and the 100-year flood plain (contingent upon receipt of confirmation that it was based on survey), seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

Request for Determination of Applicability Hearing
MA Bay Commuter Railroad
Railroad Right-of Way Vegetation Management

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

Appearing before the Commission was applicant Kyle Fair of TEC Associates regarding the RDA filed with the Commission (dated 3/8/11).

Mr. Fair told the Commission that there are (2) ROW portions; this application is for a ROW on the Greenbush and Kingston-Plymouth branches. He explained the Wetland verification and delineation is done in the field to determine delineation zones where applicant can/cannot use sprays and chemicals; sensitive areas that have been identified will be sprayed with low drift chemicals within 10 ft. of each side of center line.

Cmmr. Harbottle asked if the spraying could be avoided; Mr. Fair responded that it's a public safety issue and spraying is the only treatment that will maintain growth below the head of the rail (but it wouldn't be applied in wet or windy weather).

Cmmr. Dowd asked if the chemicals used would be changed each year to avoid herbicide resistance; Mr. Fair said the products used may be changed every (2) years (and product chosen is restricted to the sensitive areas materials/chemicals list) but they do what is needed to avoid resistance.

Cmmr. DeGabriele asked if the Vegetation Management Plan expired in 2010.

Mr. Fair said a plan was approved in March for years 2011 through 2016 and includes spill mitigation provisions and provisions to comply with the 2007 regulatory changes.

Ms. Schloss mentioned neighbor concerns about ponding issues adjacent to the rail bed near the Abington Town Line and concern about impacts of the Route 18 expansion.

Mr. Fair discussed some changes that would be made to the maps based on the site visit with Ms. Schloss today.

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

Cmmr. DeGabriele moved to approve a Negative 5 Determination citing 310 CMR 10.03(6)(b) and 310 CMR 10.58(6)(a) as the exemptions, seconded by Cmmr. Dowd, to be issued upon receipt of the revised maps. UNANIMOUSLY VOTED

Other Business

- 31 Woodbine Road Request for Certificate of Compliance: Ms. Schloss has received an as-built plan and has gone out to the site – erosion controls have been removed and 15-20 ft. of grass has not been disturbed but no grass seed has been planted around the house. She recommended the Certificate of Occupancy be signed and the Certificate of Compliance released after the seed is spread.

Cmmr. Harbottle approved a Certificate of Compliance for DEP File #81-1074, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

- Weymouth Club: Ms. Schloss sent a letter on May 2nd and has talked to Steve Goldman who stated he has a new engineer with whom Ms. Schloss will meet on May 13th. A new plan has been created and Weymouth Club has been told the restoration/replication area needs to be completed by May 31st.
- Randolph Street: Cmmr. DeGabriele has been informed that structures (bridges, a driveway, a shed or dog house and stone work) have been built close to a stream near 71 Randolph Street.

- Tree Cutting Policy: The Commission agreed that if the trees are within 25 ft. of a no disturb area, a filing is needed with Con Comm; greater than 25 ft. Ms. Schloss can use her own discretion.
- General Questions to the Conservation Commission: it was agreed that Ms. Schloss can use her judgment.

Conservation Report

- 21 Woodbine Road: Ms. Schloss reported that there's been an appeal of the Order of Conditions and she will visit the site with DEP on May 17th. The appeal has been filed under the WPA; they have 60 days to file in court, for appeal of the local Weymouth order.

Cmmr. DeGabriele stated that the DEP can't trump Weymouth Bylaws so the appeal must be won in both places.

- 20 Lake Shore Drive, Partial Certificate of Compliance: Ms. Schloss visited the site on May 6th and found that plants are still needed and the tree has not been planted; the owners have been sent a letter asking if these can be planted by May 21st (when the Certificate of Occupancy expires). A Certificate of Compliance will not be issued until these are in the ground and Ms. Schloss will speak to the Building Dept. to see if another 30 days can be given.
- Super Shine Car Wash: Ms. Schloss has received a slope stabilization plan that shows they will put loam and seed over sand.

Cmmr. Dowd commented that planting on the sand did not seem like a good solution.

Cmmr. Harbottle stated she would like to see a Consulting Engineer involved, to which Cmmr. Dowd agreed.

Cmmr. DeGabriele suggested they come in and explain how this will create a stable slope.

- 328 and 308 North Street: 7 Neck St. residents reported additional dumping of concrete debris that looks to be within 25 ft. of the wetland. Big logs have been brought in for fill at 328 North St. and leaves are being used as fill for the slope at 308 North St. (Both 328 and 308 have an Enforcement Order to remove material within 25 ft. of the wetland).

Cmmr. DeGabriele said the Commission needs to be notified when the fill is removed.

Ms. Schloss stated the fill needs to be removed by June 15th.

- Rte. 3 Median Wetland Replication/Restoration: The bridges have been built and the restoration is complete.

- Weymouth Flood Control Project: Flood control improvements at Witawamut/Wessagusset Roads is a state funded project for which the Town has not obtained a Certificate of Compliance and the Order of Conditions has expired. DPW, Norfolk County Mosquito Control and Ms. Schloss are recommending some modifications to the project which will be conducted before the DPW comes in for a COC.

Cmmr. DeGabriele asked about enacting fees for non-compliance. Ms. Schloss said money could be held as assurance.

- VCA Animal Hospital: The \$7000. Performance Bond has been received.
- Great Pond Water Treatment: Planting plans have been received and there will be meeting on May 12th. Native plants will be used except around some residences where fast growing plants are needed, such as arborvitaes.

Adjournment

Cmmr. Harbottle moved to adjourn the meeting at 9:00 PM and to meet again at 7 PM on June 8, 2011 at a location to be determined (the May 25th meeting has been cancelled), seconded by Cmmr. Dowd.
UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

Laura Harbottle, Conservation Clerk

Date