

WEYMOUTH CONSERVATION COMMISSION

Town Hall Chambers

May 14th, 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 May 14th, 2008 meeting of the Conservation Commission to order at 7:38 PM.

Continued Hearing - DEP File 81-1033

9 Bridge Street, Fore River Station

Cmmr. Murphy moved to open the continued hearing for 9 Bridge Street, File 81-1033.

Cmmr. Kent seconded.

UNANIMOUSLY VOTED

Ms. Schloss informed members that this hearing should have been continued to May 28th not May 14th as previously stated - and she was in support of the continuance to the next meeting in accordance with the applicant's request.

Cmmr. Kent moved to continue the hearing for File 81-1033/9 Bridge Street to May 28th, 2008 as requested by the applicant.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

169 Randolph Street - Violations

Chairman Thompson informed members that Mr. Woodward had called him this date to inform him that he was having a disc/back problem and expected to be scheduling surgery in the near future. Based on his health condition, he asked to postpone his appearance before the Commission until May 28th. The Chairman further stated that if any additional work takes place at the site the Board might be forced to take other action, but based on today's site inspection, it was felt a continuance was in order.

Ms. Schloss noted that she had also spoken with Mr. Woodward and he told her he was still working on a plan for Randolph Street.

Cmmr. Murphy moved to continue the meeting regarding the violations at 169 Randolph Street to May 28th, 2008.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

148 Colonels Lane - Public Hearing

Map 31, Bl 408, Lot 16

Request for Determination of Applicability

It was explained to the Board that the owner was requesting to replace the current deteriorated pool/decking that was located on his property within 15 ft. of the wetland. It was noted that a 25-ft. setback is required for a residence.

Chairman Thompson said that in order to approve the request they would need to be assured there would be no harm done to the resource area.

Mr. Brian Beecher, pool representative came before the Board. He told members that he installed a similar pool in the area with no problems. He then described the proposed work, which included leaving the existing shell, re-plastering and re-decking the pool. He said that some of the original decking was too tight (8'-10') and this would be reduced to 4 ft.

Chairman Thompson asked how the resource area would be protected and Mr. Beecher told him he planned on using a silt sock at the Administrator's request.

Mr. Beecher assured members that there would be no earth movement and no change in grading and he expected the project to move along quickly - within 30 days.

Ms. Schloss said she has visited the pool site, which is located 8'-9' from the wetland. She said the applicant would be using erosion controls with possible dewatering. She was recommending a Negative 3 Determination, adding that the project was pretty straightforward and that she would be monitoring the site.

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

Cmmr. Coven moved to issue a Negative 3 Determination for 148 Colonels Lane based on the Administrator's recommendation.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

File 81-1025 Meredith Way

PUD/Planned Unit Development

Order of Conditions

Mr. Carl Erickson, representing Bristol Brothers came before the Board. He acknowledged that the Board voted to close the hearing on April 9th, 2008 and since that time they have reviewed and incorporated the Administrator's draft Order of Conditions into the project. Additionally, they have made some allowances based on Dr. Wang's final report/recommendations, which he commented were very minor changes.

Ms. Schloss then referred to her proposed Order of Conditions, pointing out that the Commissioners all should have a copy. She told members that Carl Erickson had sent her his follow-up comments and at this point she wanted to clarify one of the special conditions re. Meredith Way.

Ms. Schloss then reviewed the Conditions which included the following comments:

Special Condition #2 re. Timing: 30-60 days from the Order of Conditions. She noted that Dr. Wang would need to re-run a portion of the calculations and she felt that the time involved would be about 3-5 hours for him to reconfirm the calculations. Additionally, she felt that 60 days from the Order of Conditions would be the best way to deal with any issues.

Mr. Erickson agreed with the 60 days.

Ms. Schloss felt that this time sequence would keep Dr. Wang in the loop.

Ms. Schloss again referred to Dr. Wang's work, adding that the applicant would be billed for no more than 3-5 hours for his efforts, keeping it to a maximum of 5 hours. She acknowledged that it had been a costly endeavor for the applicant and went on to say that she would like to have a revised site plan 60 days after construction, that would note any minor change; i. e., erosion controls.

Clarification re. Condition #4: 60 days - Mr. Erickson commented 'fine'.

#5 - Re. change in verbiage - "you may **not** do 'no curb alternative' - under Item 11 this should be deleted, adding a Cape Cod berm was okay.

#6 - Ms. Schloss wanted to see a change in language; i. e., Change 'shall' to "**might**".

Additionally, Ms. Schloss wanted to see plants noted on the drawings, but added they would not have to add all the trees on the planting plan - that they could be marked in the field.

Re. P4/4 - #3. Dr. Wang suggested and Mr. Erickson agreed that if any house lots (15 to 19) are to be occupied, a bond could be put in place, for replacement cost of the plantings.

The Administrator next made reference to the General Conditions - which, she said, would encompass all of the previous comments.

Next, Ms. Schloss referred to the Storm Water Operation and Maintenance Plan. She said due to the minor changes it was no longer current. She then asked Mr. Erickson if the applicant could submit a 'standing alone' Operations & Maintenance Plan, as well as the Maintenance Schedule. She explained to members the reason for the request was that it would allow her to compare it to a previous filing; i. e., "Woodbine Road Subdivision". Additionally, she wanted to see it inspected four times a year and cleaned once a year, adding they could rewrite Condition #45 to state this.

Ms. Schloss went on to state that she expected a Homeowners Association would be responsible for maintaining it. In addition she noted that the units would have drywells that are shared - asking Mr. Erickson how this would work. Upon clarifying these matters, she recommended the Commission sign the Order of Conditions tonight.

Chairman Thompson told Mr. Erickson that he felt they did a great job and appreciated the time the applicant took addressing everyone's concerns - including those of the Commission and the neighbors as well as protecting the resources.

Cmmr. Murphy moved to issue an Order of Conditions For File 81-1025/Meredith Way/PUD with the Special Conditions as discussed and outlined by the Administrator.

Cmmr. Kent seconded.

UNANIMOUSLY VOTED

Great Republic Avenue/Fairview Lane

Public Hearing

James Dever/Applicant

Map 46, BI 535, Lot 51 & 90, BI 533, Lots 25 & 26

DEP File # not available

Abbreviated Notice of Resource Area Delineation

Before the hearing began, Cmmr. Gerald Murphy recused himself.

Cmmr. Kent moved to open the public hearing for Great Republic Avenue/Fairview Lane, Applicant James Dever.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Mr. Scott Arnold, PE/Neil J. Murphy Associates representing the applicant came before the Board along with the applicant, James Dever. He informed members he was before them this evening for approval of an ANRAD; i.e., approval of a wetland line, clarifying that there was no actual project before them. He told members that John Richardson/Wetlands Biologist delineated the wetland line shown on the plan.

It was noted that 182 Great Republic Avenue is the address of James Dever's house - and that there was quite an extensive wetland boundary.

Chairman Thompson asked if the delineation actually went beyond Mr. Dever's property and Mr. Arnold replied 'yes', explaining that originally they were trying to see what was wetland and what was buildable.

Cmmr. Coven emphasized that they were limiting the scope to the flagged area.

It was noted that John Richardson and Ms. Schloss reviewed the line together in the field and some slight changes made at that time; i. e., a small change in the rear, adding they weren't sure if it should be considered a wetland.

Chairman Thompson voiced his concern about that questionable area. He then referred to John Richardson's report, noting that he delineated different wetland lines in the boulder/rock area. It was noted that the first line was flagged years ago. It was pointed out that the new delineation flags were colored in Orange.

Mr. Arnold told members that in April some changes were made in the wetland boundary, but quickly added there weren't many.

Chairman Thompson realized that the rock/boulder area in question was a tricky area to delineate.

In reference to the delineation of this questionable area, Ms. Schloss acknowledged that John Richardson had 30+ years' experience in wetland delineation, but neither she nor Mr. Richardson had seen a situation like this. She was unclear on how it should be delineated, but thought a specialist like a 'glacial' geologist might be helpful. She told members that she spoke with DEP about it and was told there was nothing in the regs that would be helpful. She said that Margo Clerkin/DEP recommended Peter Fletcher, but Ms. Schloss wasn't sure he would be right for this job. She pointed out that this area has a 'boulder' field and in between the boulders she saw water, which she felt was probably a connection - but wasn't sure. She found the vegetation to be mixed and saw it as a very tricky area. She said the site did not contain much soil, commenting having at least 12" would help to define it. In closing she thought it would be helpful for all if they had a positive and confident delineation by a professional with expertise in that area.

Chairman Thompson was disappointed that John Richardson was not present this evening, as he had questions for him. He then asked Mr. Arnold's opinion of the site.

Mr. Arnold said he was of the understanding that this was an 'additional' area, separate from the 'line' on the plan.

Ms. Schloss commented that around Flag #33, found at the edge of the property, there was a depression, which she said almost touches the depression at Flag #43. She wondered if the two depressions were connected. Additionally, she felt it was possible that the area between these two flags could be a finger of a wetland, but again felt they really needed an expert opinion.

Chairman Thompson summarized that there were not really any huge changes in the wetland line that he could see, but pointed out the Administrator still would like expert opinion. Further, because John Richardson was not present this evening, he would like to have a reliable opinion that would help to protect Jim Dever's property rights as well as give the Commission solid information that will allow them to make the proper decision, adding at the present time they did not have sufficient information to render a decision.

Commr. Kent said that he has not seen the subject area and asked if the elevation had changed.

Mr. Arnold replied 'not much', adding the topography was very rocky there - an uncommon situation.

Commr. Coven said he would also like more info.

Mr. Arnold told members that Jim Dever contacted John McGrath and he agreed to take a look at it.

Chairman Thompson asked about his area of expertise and Mr. Arnold replied that he was an Environmental Consultant and a soil evaluator.

Ms. Schloss offered to speak with Mr. McGrath, but she wasn't sure of his qualifications.

Chairman Thompson pointed out that both parties would need to concur on the expert.

Ms. Schloss referred to her conversation with DEP adding she was now waiting to hear from Mr. Fletcher. She commented that she was not too comfortable with Mr. McGrath - but agreed that they should have someone they could both agree on - possibly Dr. Wang.

Mr. Dever commented he was not sure what Dr. Wang's fee would be - and asked about other options. He said that possibly his fee would not be cost effective for him. He asked if it would be acceptable if someone of John Richardson's caliber could flag the site again.

Chairman Thompson referred to John Richardson's letter which said that the area was tricky and difficult, commenting 'I wish he was here'.

Mr. Dever said he would like to pursue the person recommended by DEP and the Chairman replied 'fine'.

Mr. Dever told the Chairman that he would prefer the Commission just deny the project, then he would challenge it with DEP.

Commr. Coven suggested they err on the side of caution and that possibly Mr. Dever could still pursue his plan.

After some discussion, Chairman Thompson asked the applicant to bring John Richardson to the next meeting so that the Board could ask him questions about the site and his delineation.

Mr. Arnold wanted to point out that John Richardson drew up the report prior to the meeting with Ms. Schloss - when at that time they both acknowledged that it was a difficult to delineate. Further it was noted that the area in question is not shown on the plan, but if it is a wetland it should be noted there.

Mr. Arnold said that John Richardson felt that the portion that he flagged was 'solid'.

Ms. Schloss then recapped the flags/locations, what she affirmed and those she had issues with:

- She and John Richardson **approved wetland flags up to #26F**.
- She suggested they **change flags**; add flags 27A and 27B and change current 27A to 27C; and on the plan #WF48F should read WF48.
- At Flag #31 she placed 'Blue' flags, denoting that she questioned this area.
- From Flags #48 to #65 **no changes** - and from Flags A30 to A67 **no changes**

Ms. Schloss restated she was questioning one segment as noted above.

Chairman Thompson, in summary, wanted to have John Richardson come before the Commission at the next hearing - and to see a revised plan, noting the area they agree upon in one color and the area in question in another color. He added, if there continues to be a problem after the next hearing, then they can speak again about bringing another person in.

All agreed.

The hearing was opened to the public.

Dan and Donna O'Reagon wanted to be sure that they would not be agreeing on delineation this evening and this was confirmed.

Commr. Coven moved to continue the hearing for Great Republic Ave/Fairview Lane ANRAD to May 28th, 2008.

Commr. Kent seconded.

UNANIMOUSLY VOTED

(At this point Mr. Arnold submitted the green mailing receipts).

DPW Route 3 Median Project, File #81-979

Request for an Extension to their Order of Conditions

Ms. Schloss told members that the DPW/applicant was not present this evening as their request was just for an extension, adding this would be their second one. She explained that the DPW was seeking funds in this year's budget to complete this work, adding if it is not fixed in a timely manner then they could possibly be fined.

Commr. Murphy moved to approve a one-year extension to File 81-979 Order of Conditions, DPW/Rt. 3 Median Project.

Commr. Kent seconded.

UNANIMOUSLY VOTED

Finnell Drive

Files: #81-37, #81-227, #81-410, #81-637

Request for Certificates of Compliance

Ms. Schloss recommended the Board issue Certificates of Compliance for the four projects on Finnell Drive.

Cmmr. Coven moved to issue a Certificate of Compliance for File 81-37 (1976), Finnell Drive (road).

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

Cmmr. Coven moved to issue a Certificate of Compliance for File 81-227 Finnell Drive (1984/construction of building).

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

Cmmr. Coven moved to issue a Certificate of Compliance for File 81-410 (1988), Finnell Drive (an addition) - issued under the Town By-Law.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

(It was also noted that DEP issued a Certificate of Compliance on this, although the work was never done).

Cmmr. Coven moved to issue a Certificate of Compliance for File 81-637 (1994), Finnell Drive (an addition).

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

Ms. Schloss told members that the minutes on file show that the vote was taken on the above and she was relying upon the evidence in the file.

Commr. Kent moved Judicial Notice re. prior acts of prior Certificate of Compliance votes.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Minutes

Minutes would be on the next agenda.

Summer Meeting Schedule

Members agreed to hold two meetings in June: June 11th and June 25th

One Meeting in July: July 16th

One meeting in August: August 13th

Back to the regular schedule in the Fall.

Two meetings in September: September 10th and September 24th

Special Town Boards Meeting - June 17th at 7 PM at the McCulloch School Conference Room

Ms. Schloss announced that there was a combined Town Board meeting scheduled for June - included in the meeting would be the Town Solicitor and Mayor Kay. The Boards included the Zoning Board, Planning Board and the Conservation Commission.

At this point Chairman Thompson confirmed that the Commission is all set to hold their summer meetings in the Town Council Chambers.

Legion Field Update

Ms. Schloss informed members that she contacted Bob O'Connor/DPW asking him to put some seed mix down in Legion Field, adding it should have been stabilized after 30 days.

Commr. Gowen added that she recalled a meeting that was conducted in the Chambers at which time there was a personal guarantee given that Legion Field would be stabilized.

Adjournment

Commr. Kent moved to adjourn at 9:09 PM and to meet again on May 28th, 2008 at 7:30 P. M. at the Weymouth Town Hall/Town Council Chambers.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

Respectfully submitted,

Susan DeChristoforo
Recording Secretary

APPROVED: _____
Scott Coven, Clerk

DATE: _____