

WEYMOUTH CONSERVATION COMMISSION
Weymouth Town Hall-Town Council Chambers
May 27th, 2009 Meeting

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

ALSO PRESENT: Conservation Administrator, Mary Ellen Schloss

Chairman Thompson called the May 27th, 2009 meeting of the Conservation Commission to order at 7:32 PM.

Minutes: April 8, 2009, for review
Minutes were tabled to the end of the meeting.

File 81-1023

0 Healy Road

Request for a Certificate of Compliance

Cmmr. Murphy moved to approve the final Certificate of Compliance for File 81-1023, 0 Healy Road, based on the recommendation of the Administrator and to approve release of the \$2,500 Performance Bond.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

File 81-982

82 Prospect Hill Drive - Continued Discussion

Request for a Certificate of Compliance

Cmmr. Murphy moved to approve a Certificate of Compliance for File 81-982, 82 Prospect Hill Drive, based on the recommendation of the Administrator.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

1 Bridge Street/MWRA Pump Station Public Hearing

Map 6, Block 63, Lot 1

DEP File # 81-1059

Abbreviated Notice of Intent

Cmmr. Murphy moved to open the public hearing for 1 Bridge Street/MWRA Pump Station, File 81-1059.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

The Chairman noted that changes are being proposed to the storm water management system at the Fore River Pump Station and mitigation had been performed as noted on the plan.

Ms. Schloss told members that at this point she had not heard back from DEP (Ma. Dept. of Environmental Protection) regarding their feedback/comments on the project - and based on that she noted that the hearing would need to be continued.

Mr. Bill Kane, PE and Jeremy Hall, representing the applicant, came before the Board.

Mr. Kane informed members that in speaking with his Council he was told that they have not heard back from DEP either.

Ms. Schloss suggested the applicant make their presentation this evening, allowing her and the Board to ask any questions they might have. If in the meantime they hear back from DEP and they are okay with the project, then they could close the hearing at the next meeting and issue an Order of Conditions without requiring the applicant to return.

Mr. Kane informed members that the MWRA (Mass. Water Resource Authority) has been involved since the 1990's. In 2005 they completed construction of the pumping station. Part of their Order of Conditions, as well as a requirement of the DEP, was that the applicant be responsible for wetland mitigation to compensate for an area of wetland fill and it was noted that while performing maintenance of the mitigation area it was discovered that the MWRA did not own the land where the mitigation was constructed. Currently it is under an Administrative Consent Order with DEP.

Ms. Schloss stated that to rectify this problem certain steps need to be taken:

- The MWRA needs to handle the runoff from the parking lot.
- Restore the site
- Restore, within the Town of Weymouth, a minimum of 21,000 sq. ft. of wetland

Mr. Kane informed members that they came up with alternate mitigation site at Great Esker (It was noted that this project would come before the Commission in the near future). He noted that the stormwater work must be completed by 8/31/2009, adding it would be an in-house construction program done by their staff. He restated that they had a completion date of August 31st, with the balance to be addressed in the Fall. He told members that at this time all the roof drains are connected, adding there were (9) leaching pits on site - with the runoff from the roof going into the ground. At this point they need to deal with the runoff onto the impervious area.

(File Note: Cmmr. Jeff Kent arrived)

Mr. Kane went on to say that they were proposing (2) catch basins with 5-ft. sumps. Then they plan to install the Stormceptor prior to connecting the existing system into the easement. Further they would need to take ownership of the easement from the current owners of the property; i. e., FRD Inc./Fore River Development.

Ms. Schloss pointed out that FDR Inc. was the owner of the power plant.

Mr. Kane further explained to the members that they went to court on the land issue with FRD Inc., but it didn't go well, although the jury ruled in both their favor. At this point the case is under appeal. He commented that the present owners would like to build condos there.

Chairman Thompson felt that the Stormceptor tying into the drainage system should work fine.

Mr. Kane informed members that there is minimal traffic - a truck comes onto the site daily, adding that it was an unmanned facility. Additionally, there would be a minimum of salt and sand used - and that it was a gated facility. They are proposing a strict maintenance schedule with four (4) inspections performed annually, with the Stormceptor cleaned out quarterly. He pointed out that the Stormceptor would handle all of the runoff. Lastly, he noted that they would be back before the Commission regarding the proposal for Great Esker.

Ms. Schloss stated that their backup information has been provided regarding the infiltration, she then asked the applicant about any anticipated overflow.

Mr. Kane explained there would be (9) leaching pits, with 5" drains and they would be 5' deep with gravel surrounding them. He pointed out that he hasn't experienced any problems with them since they were brought on line in 2005.

Ms. Schloss commented that it was based on 1996 Regs -then asked Mr. Kane if they had supplied the calculations.

Mr. Kane told her that he would try to pull them together for her; explaining that right now they were in the process of moving. He commented that they were presently focusing on the remaining impervious area.

Ms. Schloss said she was concerned with the infiltration part, adding that they would need to calculate the entire impervious surface. She asked Mr. Kane if he could give her those numbers.

Mr. Kane replied 'we can look into that'.

Ms. Schloss stated that they received a comment from a landowner regarding the access roadway.

Mr. Kane noted that he received a phone call this afternoon from the landowner on that issue. He stated that their drawing doesn't show the entire access way and pointed to the sewer line/road for clarification purposes on the plan to the members. He said that they obtained the permit rights to the property where the wetland mitigation area was located. With regard to the catch basin, they asked when the mitigation is gone what would they do about it - explaining that it doesn't come into the wetland mitigation area. He informed the Board that tomorrow their Counsel would get back to him on it. He said they would make sure the catch basin is hard piped. He wanted to emphasize that the landowner was incorrect, because the catch basin goes in a different direction.

Mr. Kane went on to say that there was a study done years ago re. 6.5/6.75 acres - the size they are proposing to use has a 1200-gallon capacity - larger than the site they were speaking about.

Jeremy Hall added that it was in line with the manufacturer's table.

Chairman Thompson said he saw it all as pretty straight forward.

Ms. Schloss said before they closed tonight's hearing she would like to specify the type of seed mix; i. e., erosion control mix.

Mr. Kane said he would speak with AECOM about it.

Cmmr. Murphy moved to continue the hearing for File 81-1059/1 Bridge St./MWRA Pump Station to June 10, 2009.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

39 Patterson Street, File 81-921

Request for a Certificate of Compliance

Ms. Schloss told members that it was all set, adding that she would let the owner know that the applicant can pave the driveway at a later date.

Cmmr. Murphy moved to approve a Certificate of Compliance for 39 Patterson Street, File 91-921 as outlined by the Administrator.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

60 Patterson St. Update/Silvestro, Owner

Mr. Silvestro, owner of 60 Patterson Street, came before the Board.

Mr. Silvestro told members that he has met at the site with the Administrator and his Environmental Engineer and at that time they spoke about removing the wall, adding that the DPW wants the entire wall removed. He said he was unable to move forward with the removal, because he has been in the hospital for four days, adding once he has fully recuperated he planned to remove the wall at that time and that he would be doing the work.

Cmmr. Coven asked about the status of the original plan submitted by the environmental engineer.

Ms. Schloss reaffirmed what needed to be done:

- the wall had to come down
- fill needed to be added
- use of an erosion control blanket
- seeding and planting at the base

Chairman Thompson emphasized that the work must get done now, with no further delays - citing a 30-day completion date.

Cmmr. Murphy felt 30 days was too long, as it has already been many months - well beyond the time limit it should have taken. At this point he felt 10 days would be sufficient to complete the task and correct the violation. He emphasized that it has been quite long enough since Mr. Silvestro initially came before the Commission for the violation and there could be no more excuses.

Cmmr. Kent viewed the ten days as including two weekends, which he felt should be sufficient to complete the task.

Chairman Thompson agreed with Cmmr. Murphy and Cmmr. Coven, commenting that a deadline of 6/10/09 was reasonable. He added that once the work was done he would like Mr. Silvestro to return before the Commission to confirm that he had completed the task as outlined by the Administrator.

Cmmr. Coven emphasized that they were dealing with the Town's drinking water and he also felt firm about having the work completed by the next meeting - June 10th. If this was not done, he would recommend that Mr. Silvestro be fined.

Ms. Schloss recapped the work that needed to be done by the 6/10 date:

- 1) installation of a silt fence and an erosion control blanket
- 2) stabilization and reshaping and seeding of the slope
- 3) planting at the base

Members all agreed.

In closing Mr. Silvestro was informed he was to return before the Commission on June 10, 2009 to validate that the required work had taken place.

Reappointment of Adrienne Gowen to Conservation Commission

Cmmr. Coven informed members that the Town Council had reappointed Cmmr. Gowen to another term.

Other Business

Alexan at Arbor Hill Update

Ms. Schloss noted that at the last meeting she handed out a spreadsheet noting the costs for a conservation bond for the Commission's edification. Further Trammel Crow informed her that they couldn't bond more than 150% of the value of the project (with the planting included).

Chairman Thompson noted that the project amounts to \$367,570 x 150% - as opposed to \$7.5 million, which was the figure in their Order of Conditions (required by the Commission). She told the Board that she would have the Building Department review it. Further, she pointed out, Trammel Crow's figure was in line with the figure quoted by their consultant. At this point she would like to hear more about this from Atty. Lampke (the Town/Commission's attorney in this matter). She stated that their Order of Conditions says a 'commercially available bond'. She commented that she felt they could make this change administratively.

Chairman Thompson said it would be okay, adding the Commission did their best to protect all interests.

Ms. Schloss said she would keep the members updated.

Conservation Report

Weymouth Club/Certificate of Compliance

Ms. Schloss reported that the Weymouth Club would be on the next agenda for a Certificate of Compliance. At this point she distributed a handout to the Board, which depicted the site today as opposed to their original plan and what was originally proposed. She commented what is there today "doesn't look like their plan". She said the consultant found 7,000 sq. ft. of land, which used to be wetland but now has been filled in. It was noted that Mr. Goldman is the present owner. She said she didn't feel a Certificate of Compliance was in order at this time based on the unauthorized work that had taken place.

Ms. Schloss went on to say that the Board had approved a 'partial' Certificate of Compliance in the past. At this point she was recommending they hold the request. She also informed the Commission that Mr. Goldman was looking for more parking.

Members would like to have the owner come before them at which time they would discuss the matter further.

Route 18 Expansion Work

Ms. Schloss noted that there would be more construction work-taking place regarding the expansion of Route 18 - south of Middle Street to the Abington town line. Part of the work will involve two Conservation Commission parcels - which will have to be encroached upon. She noted that state regulations require the proposed work to have a vote of approval from the legislature, etc. She added that the areas in question link up to the Bird Sanctuary. She thought that maybe the mitigation work could include a parking area for the Bird Sanctuary, which she felt could be required legally. In speaking with them, they have told her that they are amenable to her suggestion. She felt the Commission might possibly request 10 parking spaces.

Chairman Thompson commented 'the more access the better'.

Ms. Schloss responded that they might be able to get the Boy Scouts to do some of the work as part of their requirement in earning an Eagle Scout badge.

Rich's Auto Service, 1420 Main Street

Ms. Schloss reported that she received a complaint about a dirt bike using a bike trail behind Rich's Auto Service on Main Street (Rich's son) - which is a wetland. She noted that the path, easily visible, backs up to the railroad tracks. At this point she said it looks like encroachment in the buffer zone right up to the wetland. She asked if she should request the owner of Rich's Service Station to come in and address the matter.

Members agreed that he should appear before them at their June 10th meeting.

Ms. Schloss will follow through.

East Weymouth MBTA Station

Ms. Schloss updated members on the mitigation work, commenting that they were doing additional planning. On a site inspection she noted the invasion of Knotweed. She thought they could use the money left over from Dunkin Donuts (Commercial St.) mitigation fund to remove the Knotweed. She said they could request the landscape architect be responsible for oversight, adding she viewed it as 'related' work.

Chairman Thompson asked that she proceed with it.

Legion Field Update

Ms. Schloss told members that the work was beginning today (5/27/09). She noted that DEP had granted them more time to complete the work; i. e., June 30, 2009. She thought it would look rather nice when completed. She felt they might receive some complaints

Chairman Thompson responded that 'all' have to follow the rules.

Great Pond Replication

Ms. Schloss reported that this work was part of the DEP Superceding Order of Conditions - which is now in process.

Meredith Way Update

Ms. Schloss further reported that the blasting work is now taking place.

Conservation Commission Meeting Schedule for the Summer

Members agreed to meet on the following dates for the summer months:

SUMMER MEETING SCHEDULE

JUNE

June 10th

June 24th

JULY

July 15th

AUGUST

August 12th

Approval of May 13, 2009 Minutes

Cmmr. Coven moved to approve the minutes of the 5/13/2009 meeting as amended.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

The June 10th, 2009, Meeting will begin at 7:30 P. M. at the Weymouth Town Hall.

Adjournment

Cmmr. Murphy moved to adjourn at 8:38 PM and to meet again on Wednesday 6/10/09 at Weymouth Town Hall/Town Council Chambers.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Respectfully submitted,

Susan DeChristoforo
Recording Secretary

APPROVED: _____

DATE: _____