

WEYMOUTH CONSERVATION COMMISSION

Town Hall Chambers

May 28th, 2008 Meeting

PRESENT: John Thompson/Chairman, Gerald Murphy/Vice-Chairman, Cmmr. Scott Coven/Clerk. Cmmr. Adrienne Gowen and Cmmr. Jeff Kent (arrived shortly after the meeting began)

ALSO PRESENT: Conservation Administrator, Mary Ellen Schloss

Chairman Thompson called the May 28th, 2008 meeting of the Conservation Commission to order at 7:39 PM.

MINUTES - April 30, 2008 for Review

Minutes were tabled to the end of the meeting.

Request for Certificate of Compliance

Avalon Ledges

DEP 81-819

Cmmr. Murphy moved to approve the request for a Certificate of Compliance for Avalon Ledges, File 81-819 at the recommendation of the Administrator.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Request for Extension to Order of Conditions

30 Unicorn Avenue

DEP 81-975

Cmmr. Murphy moved to approve the request for a one-year extension to the Order of Conditions for File 81-975; 30 Unicorn Avenue based on the recommendation of the Administrator.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Request for Certificate of Compliance

39 Duncan Circle - Lot 5

DEP File 81-1004

Ms. Schloss explained that this project involved reorientation of the driveway, adding it was originally approved in accordance with their Notice of Intent, but the owner built the driveway up higher than originally approved and with a steeper slope. Additionally the slope had not been stabilized, but the owner has agreed to correct it. Overall she was still in favor of approving the Certificate of Compliance with the stipulation that she re-inspects the site to verify it has been stabilized before the Certificate of Compliance is issued.

Commr. Gowen moved to approve the Certificate of Compliance for 39 Duncan Circle, Lot 5, DEP File 81-1004 based on the stipulation as outlined by the Administrator.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Request for Certificate of Compliance

18 Cardinal Circle - Lot 6

DEP File 81-1031

Ms. Schloss told members that once again the slope is the issue. She said she spoke with the applicant and with the Weymouth Dept. of Public Works about the size of the rock and what's to be done.

Cmmr. Murphy moved to approve the request for a Certificate of Compliance for 18 Cardinal Circle, Lot 6 - DEP File 81-1031 based on the stipulation as outlined by the Administrator.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Request for Certificate of Compliance

18 Tanner Terrace - Lot 2

DEP File 81-1019

Cmmr. Murphy moved to approve the request for a Certificate of Compliance for Tanner Terrace/Lot 2, DEP File 81-1019 at the recommendation of the Administrator.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Request for Certificate of Compliance

60 David's Island Road

DEP File 81-1014

Ms. Schloss informed the Board that she and the Chairman spoke about this Certificate of Compliance and discussed the possibility of continuing the request, because they did not receive the plan as requested. She further explained that the project included a pile-supported pier with two floats. She added that the proposal as submitted was approved, but the applicant went ahead with a larger float than originally approved; i. e., size of 10 x 10 float, instead of the approved 8' x 8' float. In total square footage it comes to 36' added to the float area, but summarized it by stating that overall that was the only deviation.

Cmmr. Murphy asked the Administrator if the change was okay with her and if she was okay with issuing the Certificate of Compliance and she replied 'yes', supporting the approval of the Certificate of Compliance.

Cmmr. Murphy moved to approve the request for a Certificate of Compliance for 60 David's Island Road, DEP File 81-1014 at the recommendation of the Administrator.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Request for Certificate of Compliance (cont'd)

211 Sheri Lane

DEP File 81-985

Mr. Hill, applicant/owner came before the Board.

Chairman Thompson confirmed with Mr. Hill that he had originally requested permission to work in his backyard installing a pool and a fence, but the final result of the work did not conform with his submitted plan.

Mr. Hill acknowledged this was true, adding that the plan changed based on the work performed by his contractor. He said that the fence company representative was not in favor of putting a fence on the retaining wall instructed him not to do so, instead they extended the fence away from the pool and now the pool work needs to be redone. He told members that he and the Administrator discussed types of plants that would be appropriate for the area. In summary, he said, at this point the only change is the location and the length of the fence, which is now 10'-20' further out.

Chairman Thompson pointed out that part of the property he is referring to is defined as a resource area, explaining that the Conservation Commission is charged to protect this area. He further explained that he was given permission to do one thing, but he did something different and at this point the Board cannot reconcile the changes.

Mr. Hill responded that he can't lose the wall, because if this happens he would lose his pool. He explained to the members that they moved the pool away from the retention pond to accommodate the size of the pool, which is now closer to his home and farther away from the wetlands.

Ms. Schloss told members that the location of the pool was okay with her, but the plantings and fence were a problem. She explained that his side of the fence is now closer to the woods and that is her biggest problem, adding that it looks like the fence is now beyond the planting line, which is also unauthorized.

Mr. Hill told members that up to the original tree line was also grass, adding that the location of the woods is located half way between where the fence is. He further explained that the size of the strip of grass is 8' long and extends out 15'. He said that he tried to accommodate the list of plantings he was given, but he couldn't find them all.

Chairman Thompson asked what he did at that point and Mr. Hill said he went to a landscape company for help.

Chairman Thompson asked if he spoke with the Administrator about his problem and Mr. Hill replied 'no'.

Chairman Thompson told him that the best thing he could do right now is to hire an 'environmental scientist' to help him come into compliance. He explained to Mr. Hill that the Commission and Administrator try to work with people, but the two planting plans he submitted were totally different (the one that was approved and the one that shows what was actually planted), adding what he has now is not in compliance. Again, he told Mr. Hill, he needed to hire a professional environmentalist.

At this point the Chairman and Mr. Hill looked at pictures of the site.

Chairman Thompson then opened the discussion to the public. No one spoke.

Ms. Schloss said she would like to have information on the pool. It was acknowledged that the pool was not level. Ms. Schloss wanted to point out that the present Order of Conditions had expired.

Mr. Hill told members that the pool is 'cockeyed' by 6" and now he will have to enter on the left side and he might lose some plantings, but commented "that's okay".

Chairman Thompson told Mr. Hill that as part of his project to redo the pool, he was strongly recommending that he hire an expert for the project.

Mr. Hill explained that when he does his pool work he would like to come back in and speak with the Commission about it.

Chairman Thompson agreed that it didn't make any sense for him to do the plantings now, but when it is time to replant he recommended that he hire someone with the appropriate expertise and come back in before the Commission.

Ms. Schloss asked Mr. Hill "if you are coming in from the side, where is the work area?"

Mr. Hill told the Administrator he would be entering from the front, adding he didn't want to tear up the other side. He told members that he could envision the pond disappearing in the near future.

Ms. Schloss noted that there was a wooded swamp in there within 25'-30' of the fence.

Chairman Thompson reiterated he hire a wetlands scientist. He asked him when he expected to begin work and Mr. Hill replied 'within a couple of weeks'.

Chairman Thompson asked if he could be ready in time for the June 25th meeting and Mr. Hill replied 'if I'm not in D.C. I'll be ready by that date'.

Cmmr. Murphy moved to continue the hearing for 211 Sheri Lane, File 81-985 to June 25, 2008.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

(Commr. Kent arrived)

Mountain View Road

Robert Gabriel

Request for Approval of Minor Modification to Order of Conditions

Mr. Robert Gabriel, applicant came before the Board. He said that the home has been demolished.

Chairman Thompson told him that the issue the Commission had with the project was that now there was a driveway where there wasn't one before (original hearing with project description was held on 2/15/08).

Chairman Thompson suggested that he use conservation/wetland seed mix, because of a vernal pool in the area. He explained that the seed mix should be put on the slope, behind the drive, to stabilize it.

Mr. Gabriel told the members that is what he originally planned to do in the rear. He acknowledged that he did not show the retaining wall on the plan and then took a moment to present the members with photographs of the wall. He said that he carried the foundation over 16 ft.

Ms. Schloss pointed out that any slope greater than 3:1 must be stabilized. She also wanted to see it down behind the full house - specifying he use New England Wildlife Conservation Mix. She went on to say that in the original Order of Conditions they specified the plantings, although they did not include the seed mix behind the house - now she would like to see it there in the work area.

Ms. Schloss pointed out that since he already has an approved Order of Conditions, the minor modification can become part of the filing and would not be viewed as an issue when it is time to issue the Certificate of Compliance - if all is complied with.

Chairman Thompson asked the Administrator if she agreed with going with the 'minor modification' and Ms. Schloss replied 'yes'.

Cmmr. Coven agreed with the Administrator, adding that he felt they should include the requirement of the specified seed mix and geo- mesh as part of the approval.

Mr. Gabriel was asked about what they were using and he stated that it was 70% straw and 30% cocoanut fiber, adding it was best used on a 2:1 and 1:1 slope.

Ms. Schloss agreed, then referred to the other slope asking if it was 3:1 and Mr. Gabriel replied 'yes'.

Cmmr. Murphy moved to approve the minor modification to Mountain View Road, with conditions as discussed.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Tirrell Street, PUD/Planned Unit Development - Cont'd Hearing

Ryder Development

DEP File 81-1033

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

Cmmr. Kent seconded.

UNANIMOUSLY VOTED

The applicant Kenneth Ryder came before the Board along with Al Trakimas/PE from SITEC.

Chairman Thompson began the hearing by thanking the applicant, Kenneth Ryder/Ryder Development, for donating the 52 acres of land to the Town, but wanted to clarify that the balance of the property on Tirrell Street must comply with the Wetland Rules and Regulations as the Commission's responsibility is to protect the Town's resources. He then referred to the three proposals for the project that were pending and asked Mr. Ryder which one he preferred.

Mr. Ryder responded that he felt each of the three had their pros and cons. He first referred to the one that called for the roadway to be located away from the Sportsman's Club, which he said he liked in part for safety reasons. He noted that the alternative layout called for it to be closer to the resources and would include removing some trees. Further, aesthetically, he didn't feel the roadway through the parking lot next to the Sportsman's Club would be the way to go. He told members that he was also in favor of a natural buffer.

Chairman Thompson wanted to clarify which option Mr. Ryder was supporting- #1, #2 or #3 and Mr. Ryder confirmed it was Option #1.

Chairman Thompson asked how he felt about the spanning; adding that he realized it would be costly.

It was noted that the 401 Water Quality Act required spanning.

Chairman Thompson said that he personally, from a conservation viewpoint, he preferred Option 2 or 3, but would go with Option 1, but emphasized that he would like to see spanning as it would minimize the impact to the resource area.

Mr. Ryder told the members that he was not in favor of the bridge structure (spanning), pointing out with his option they would be reducing the impact from 12,000 sf. to 8,500 sf. He felt that was a huge step that he would be taking. He said even with the reduced figure he would still be happy to replicate 12,000 sf., and possibly more.

Mr. Ryder went on to say that the problem with putting the roadway next to the Gun Club would be primarily safety reasons - noting that Boy Scouts and others use the area on a regular basis. Again he wanted to reiterate that it would be poor aesthetically and they would lose trees. In talking about developing the property, he told the Commission that he always respects people's property rights and appreciates the Board's efforts.

Mr. Trakimas referred to the flooding concerns voiced at the previous hearing and told members that he contacted the Mass. Highway Dept. who made a site inspection and looked at the culvert. They told him that they would schedule the culvert to be cleaned out - noting there was also blockage down stream. He felt they would need a permit to do this work. He explained that the ponding was the result of a blocked culvert. With regard to the crossing route - he looked into the ability of passing water back and forth.

Next Mr. Trakimas spoke about Dr. Wang's comments, stating that they spoke of the capacity of the culverts and about increasing the size under the roadway. He said that each pipe could pass the 100 year flood - so going with the (2) 24" culverts would be redundant. He added to improve the situation they spoke about (3) 48" culverts. Dr. Wang recommended a 12-ft. wide span, which would have 3 ft. of clearance to allow for wildlife access. In referring to the height, he commented that he didn't expect to see deer in this area to a great degree. In summary he felt that he had addressed the (2) 24" culvert and in regard to the addition of (3) 48" culverts, he has allowed for passage of small animals. He noted that their plan also called for adding a retaining wall. Additionally they have the option of a reduction of 7,000 sq. ft. Again, he said, we're talking about replicating 12,000 sq. ft. He also wanted to point out that they were not located in a Flood Zone, but would allow for compensatory storage. Further they did a quick counting of the trees in the area for Options #2 and #3 and found (20) trees in the 6"-12" range and (12) trees in the 12"-24" range. In summary he said there was over (30) trees in the subject area with 1/3 of them 12"-24".

Chairman Thompson told Mr. Trakimas that he understood the reasons for his preference.

Cmmr. Kent commented that he felt the (3) 48" culverts would be a big plus, as it would give more access for habitat, which he felt was important.

Cmmr. Coven asked about the status of the state cleaning out the culverts and Mr. Trakimas reiterated that they have agreed to do so, but according to Friday's email they would possibly need permits for this work. He said he would forward a copy of the email from the state to Ms. Schloss for the records.

Ms. Schloss thanked the applicant for reviewing all of the alternatives, adding that Mr. Trakimas laid out some strong arguments. She asked if he would submit them in writing and Mr. Trakimas agreed to do so. She then referred to the 3rd alternative, commenting that the only difference that she could see was the wetland area is not in the core middle of the wetland. She agreed that leaving the trees would be a big plus. She said that with the other option obviously a lot of vegetation would have to come down.

Ms. Schloss then referred to the proposed span - and commented I'm not sure why you feel (3) 48" culverts would be better than the span.

Mr. Trakimas asked her 'what difference in value would there be?' He said according to the hydraulics a 12-ft. span would not be needed - nor would it be needed from the animal passage standpoint. He also wanted to point out to the members that once they build the 48 units, the wildlife would be less inclined to inhabit this area, but would more apt to go on the other side of the road - back toward the power lines.

Ms. Schloss interjected that they would need a Wildlife Habitat Report for the files.

Chairman Thompson commented that he found Mr. Trakimas' comments plausible.

Mr. Trakimas wanted to point out that the roadway culvert would be located in the middle of the wetland.

Ms. Schloss noted that once the blocked drainage culvert is working properly she expected to see a big difference.

The Chairman told the applicant that he felt they did quite a bit of work that would help the Commission as well as help themselves. He then stated that he would like to defer further comments to Dr. Wang when he returns before the Board, adding Dr. Wang would be reviewing the calcs as well as the roadway.

The hearing was opened to the public.

Natalie Proctor spoke and wanted members to know that she would frequently see deer in the Front Street area by the expressway - and the Chairman acknowledged this.

Cmmr. Murphy moved to continue the hearing to June 25, 2008.

Commr. Kent seconded.

UNANIMOUSLY VOTED

Ms. Schloss took a moment to remind the applicant that she would need the plan showing the (3) 48" culverts - and that Dr. Wang would be reviewing all data.

Mr. Trakimas said he would have that information to her and would also speak with Dr. Wang prior to their next hearing.

Lastly Ms. Schloss asked that Mr. Trakimas also submit his reasons for going with Option 1 in writing and to define why he did not go with the others options and he agreed to do so.

Great Republic Avenue/Fairview Lane

Public Hearing

James Dever/Applicant

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

DEP File # 81-1039, ANRAD/Abbreviated Notice of Area Delineation

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

Commr. 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/Arnold Associates representing the applicant came before the Board along with John Richardson, Wetlands Biologist.

Chairman Thompson began the hearing by reminding those present they were going to work on tightening up the wetland line. It was noted that the 6 x 100' fingerlike projection did not fall under the Commission's jurisdiction.

John Richardson told members that he and Ms. Schloss met at the site and after some discussion agreed that the subject area did not meet the definition of a wetland; i. e., no wetland species/ vegetation.

Ms. Schloss conceded that John Richardson was correct, but added that she also spoke with DEP and looked at the local regs and at that point they agreed to include:

- no 12" soil
- standing water
- balance of the plants were upland

Chairman Thompson wanted to reconfirm that the Administrator was in agreement with Mr. Richardson and that the subject area was not jurisdictional and Ms. Schloss agreed.

Ms. Schloss went on to say that the three changes made were noted in Mr. Richardson's letter. Additionally she wanted to note that they did not review the off-site areas. She said that now she would like to see the applicant submit a revised plan and to eliminate the off-site flags, adding that (3) flags were changed.

Mr. Arnold said he would be happy to revise the plan and thanked the Commission for due diligence - reconfirming he would be submitting the plan noting the flag changes.

Before closing, the Chairman stated that they now agreed with the ANRAD line as discussed and once the revised plan is received they would issue their approval.

Ms. Schloss wanted to remind the applicant that any activity within 100 ft. of the resource area would require the approval of the Conservation Commission.

Cmmr. Coven moved to approve the ANRAD line as discussed and upon receipt of the amended plan the proper paperwork would be issued.

Cmmr. Kent seconded.

UNANIMOUSLY VOTED

Continued Hearing - DEP File 81-1038

9 Bridge Street, Fore River Station

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

Commr. Kent seconded.

UNANIMOUSLY VOTED

Mr. Brian Jones, Project Manager representing the applicant came before the Board along with Mr. Scott Skuncik.

Mr. Jones explained that the project called for replacing an existing timber pier, 600' x 40', which is starting to collapse - as well as a 100 ln. ft. bulkhead. He said basically the project falls under maintenance of an existing licensed structure. He further explained that their proposal calls for replacing the timber bulkhead with a steel bulkhead. Additionally, they will be replacing the timber piles in the pier with steel piles and reducing the structure in size from 1,000' to 460'. In summary plans calls for demolishing the present pier and replacing it with a more durable steel pier.

Chairman Thompson asked if they would be working seaward and Mr. Jones replied 'as close as possible'.

Ms. Schloss referred to Point #2, commenting that the proposal needs to go before the Ma. Division of Marine Fisheries, who require 30 days for review. Based on that the hearing would need to be continued. Further re. Point #1, she noted that this proposal was different than the original Notice of Intent and Mr. Jones acknowledged this.

Ms. Schloss said she would also like a new narrative included with the Notice of Intent, adding the project is now back to the same footprint. She then referred to MEPA regs - stating the applicant needs to contact them re. 11.03 Wetlands, Waterways

and Tidelands. She told the applicant that during demolition he would need to make sure the concrete debris doesn't go into the river and if it did, it would need to be removed.

Mr. Jones explained the replacement process to her, stating that they would need to dig with a clamshell.

Ms. Schloss further explained that there would be no dredging - and that after construction there would be a site inspection to make sure the area is clear of debris.

Cmmr. Kent moved to continue the hearing to June 25, 2008 and if the applicant is not ready by the date it would continued again to July 16th, 2008.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

169 Randolph Street - Violations (cont'd)

Mr. Bill Woodward, representing the owner of 169 Randolph Street, came before the Board. He told members if this was being viewed as a Notice of Intent they would need to advertise the public hearing. Further, he confirmed that no work was taking place there now. He said that he and Ms. Schloss met at the site about a month ago and Ms. Schloss took pictures at that time. He said the project would be split in two parts; i. e., Enforcement Order and N O I for the restoration/replication work. Further that the owner also proposes to do work on the barn which would require a second Notice of Intent and that would cover the landscaping work (to return the lawn area to its original state). He wanted members to know that he periodically monitors the site.

Chairman Thompson asked if the owner was living there and Mr. Woodward replied 'yes', adding that haybales and a silt fence are in place.

Chairman Thompson commented that he saw no incursion in the buffer zone.

Ms. Schloss said she essentially wanted a restoration plan.

Mr. Woodward replied that he thought she wanted a Notice of Intent for the restoration work and Ms. Schloss told him that was not necessary, just a plan they could approve.

Mr. Woodward showed the planting plan, the replication area and the narrative on the replication, with Ms. Schloss reconfirming once again that all they needed was a restoration/planting plan.

Chairman Thompson asked about a sketch and Mr. Woodward responded that he would draw up a detailed plan.

Ms. Schloss noted that the owner cut down 20-40 shrubs as well as saplings along the river, emphasizing the point is just to get some plants out there.

At this point Bill Woodward gave the Administrator the plan.

Ms. Schloss explained that she wanted a planting plan for the back area, adding she would like to see a Spice bush, Arrow Wood, and Red Maple. She commented that she saw (8) plants, 4"-10" in diameter that were cut.

It was agreed that Mr. Woodward would have this plan to the Commission/Administrator next week.

Ms. Schloss asked that he include:

- the number of plants
- spacing of the plants
- sizes of the plants

The meeting concluded.

Approval of Minutes

Cmmr. Coven moved to approve the minutes of the 4/30/2008 meeting as amended by the Administrator.

Cmmr. Kent seconded.

UNANIMOUSLY VOTED

Other Business

URS

Cmmr. Kent said he would check the street for cracking and report back to the Board.

June Meeting Schedule

After some discussion it was agreed to cancel the June 11th meeting and to meet only once in June - Wednesday, June 25th. Members were also reminded about attending the Joint Board meeting (which would include the Town Solicitor, Mayor Kay, Zoning Board, Planning Board and the Commission) scheduled for Tuesday, June 17th at the Whipple Center. Ms. Schloss encouraged all to attend.

Violation Update - 71 Randolph Street

Ms. Schloss reported that during construction a perennial stream was noted, and the owner has reported that the location since construction is still the same as it was before. Further, they are expanding one side of the driveway 184'. She told members that she saw asphalt all over the bank/stream. She said that in addition to requesting pavers within 10 ft. of the stream beside the poured concrete, she told the property owner he could not do this work without permission from the Commission. She asked members if they felt it would be okay to let it go this time.

Cmmr. Kent noted that the portion closest to the stream could be maintained, but he viewed the other side as questionable.

Members agreed that it would be best to bring the party in.

Ms. Schloss commented that the work, at this point, was basically complete.

Chairman Thompson stated that if the mess is cleaned up, then the owner could avoid coming before them.

A certified letter was suggested.

Ms. Schloss said that the Commission could limit what he could do.

After further discussion, it was agreed that the owner will be requested to appear before the Conservation Commission on June 25, 2008 - Ms. Schloss will communicate this.

Adjournment

Cmmr. Murphy moved to adjourn at 9:39 PM and to meet again on June 25th, 2008 at 7:30 P. M. at the Weymouth Town Hall/Town Council Chambers.

Commr. Kent seconded.

UNANIMOUSLY VOTED

Respectfully submitted,

Susan DeChristoforo
Recording Secretary

APPROVED: _____
Scott Coven, Clerk

DATE: _____