

**WEYMOUTH CONSERVATION COMMISSION**

**JUNE 10TH, 2009 MEETING**

**PRESENT:** John Thompson/Chairman, Gerald Murphy/Vice Chairman, Scott Coven/Clerk and Adrienne Gowen

**ALSO PRESENT:** MaryEllen Schloss/Conservation Administrator

Acting Chairman Gerald Murphy called the meeting to order at 7:38 PM (Chairman John Thompson arrived later in the meeting)

**MINUTES - MAY 13, 2009 FOR REVIEW AND APPROVAL**

Chairman Murphy tabled the minutes until the end of the meeting.

**FILE 81-1059 - 1 BRIDGE ST., MWRA PUMP STATION - CONT'D HEARING**

**ABBREVIATED NOTICE OF INTENT**

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

Cmmr. Coven seconded.

**UNANIMOUSLY VOTED**

Ms. Schloss reminded members that at the last meeting they heard the MWRA speak regarding the proposed modifications to the Storm Water Design. Since then they have heard back from DEP with their comments on the project, which she noted she had forwarded to the Board members - regarding the size/leaching pits, confirming the tidal water won't back up into the stormceptor, compliance with the 1997 Storm Water Standards. At this point she felt all parties were all set and she was recommending approval of the Abbreviated Notice of Intent application.

Cmmr. Coven moved to close the public hearing for 1 Bridge Street/MWRA Pump Station - File 81-1059.

Cmmr. Gowen seconded.

**UNANIMOUSLY VOTED**

**FILE 81-1059 - 1 BRIDGE ST., MWRA PUMP STATION**

**ORDER OF CONDITIONS**

Cmmr. Coven moved to approve a Standard Order of Conditions for File 81-1059, 1 Bridge St./MWRA Pump Station.

Cmmr. Gowen seconded.

**UNANIMOUSLY VOTED**

**60 PATTERSON STREET - CONTINUED VIOLATION HEARING**

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

Ms. Schloss informed members that she had been out to the site and found the work at this point to be about 70% complete.

Mr. Silvestro felt it was more like 50%.

Ms. Schloss went on to say that the retaining wall and the logs have been removed, the grading work started, the silt fence has been erected and all the other materials to complete the work have been ordered with the exception of the topsoil.

Mr. Silvestro felt that the balance of the work should be done by next week.

Ms. Schloss reported the hardest part has been done.

Chairman Murphy pointed out that this was a violation hearing, but at this point he was happy to see that the majority of the reconciliation work had been taken care of. He wanted to emphasize that it was not complete yet, and urged Mr. Silvestro to continue and complete it. He stated that by the next meeting, June 24<sup>th</sup>, the balance of the work should be done.

Mr. Silvestro replied that he would try to make that deadline.

Chairman Murphy told him that if the work was still incomplete by that date, then fines might be in order.

Ms. Schloss wanted to recap what needed to be done by 6/24/09:

- topsoil would be applied
- then seeded
- then the erosion control blanket would be put in place

Ms. Schloss also asked Mr. Silvestro to submit the receipt for the conservation seed mix for the files, adding the seed would go on the slope - from the water side there would be a new silt fence - 12 shrubs and New England Wetland mix. When all the work was done she asked Mr. Silvestro to give her a call so that she could make a site inspection for the Board.

Cmmr. Coven told Mr. Silvestro that he was happy to see the progress he had made.

Cmmr. Gowen agreed and asked him to continue to work with the Administrator so that they could all be assured the work was done properly.

The meeting concluded.

**JACOB'S LANE - PUBLIC HEARING  
BRISTOL BROTHERS DEVELOPMENT  
DEP FILE 81-1060**

**ABBREVIATED NOTICE OF RESOURCE DELINEATION**

Cmmr. Coven moved to open the hearing for File 81-1060, Jacobs Lane.

Cmmr. Gowen seconded.

UNANIMOUSLY VOTED

Mr. Carl Erickson, representing the applicant, Bristol Brothers Development, came before the Board. He explained that he was before the Board for approval of the wetland delineation line on Jacobs Lane. He said that in 1995 they received the necessary permits and the wetland line was approved at that time. He was back before them this evening for a second approval because of the length of time that had passed. He informed members that the roadway and utilities have been installed, but the sub division was not complete and it has expired. Again he was here to re-establish the wetland line, adding that the delineation has been done by John Richardson/Wetland Scientist.

Mr. Erickson went on to say that today he and Jim Bristol met with Ms. Schloss to reconfirm the line and tonight they would like to formally re-establish the wetland line, adding they would be returning for a Notice of Intent.

Ms. Schloss told members that it was interesting to walk the site with John Richardson, who had so much history with the site (since 1995). He was familiar with the area including the roadway/Jacob's Lane, Duncan Circle, etc. Now they have discovered that the wetland line has expanded, because she felt it was probably a wetland in transition.

(Chairman Thompson arrived)

Ms. Schloss commented that the wetland area could be larger again in another 5 years, but at this point the wetland line would be good for 3 years. She said in the future when the Notice of Intent comes before the Board they could acknowledge that things have changed and they can require more than a 25' setback. She also wanted to note that the original roadway plan/N O I was for two homes in the subdivision, with original 7 lots. She commented that the setback was tight to the road. She said that the design of the homes and roadway allowed the area to be inundated and the wetland expanded. She felt that when the house lots come before them in the future the wetlands might change again - but for today she was all set with the plan as submitted.

Chairman Thompson asked how the wetland line was defined and Mr. Erickson replied 'with soils and species'.

Ms. Schloss said she didn't have a report outlining the soils and vegetation, but when she walked the site with Mr. Richardson she was convinced the line was pretty accurate.

Chairman Murphy opened the hearing to the public.

Mr. Kevin Todd, 39 Duncan Circle/abutter was concerned that with any changes; i. e., filling, etc. he didn't want to see any water coming toward his property, but he quickly added if the Commission/Administrator are okay with it then it would be okay with him.

Mr. Erickson explained that there would not be any filling.

Mr. Todd said he misread the lines he saw on the plan.

Ms. Schloss wanted to clarify that this approval was only to establish the wetland line, no buildings and no filling, with a minimum setback of 25 ft. - unless there was to be a Waiver granted.

Cmmr. Coven moved to close the public hearing for Jacob's Lane, File 81-1060.

Cmmr. Thompson seconded.

UNANIMOUSLY VOTED

**JACOB'S LANE - PUBLIC HEARING  
BRISTOL BROTHERS DEVELOPMENT  
DEP FILE 81-1060**

**APPROVAL OF AN ABBREVIATED NOTICE OF RESOURCE DELINEATION**

Cmmr. Murphy to approve the ANRAD for Jacob's Lane, File 81-1060, Bristol Brothers Development.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

**FILE 81-994, SHEA MEMORIAL DRIVE  
REQUEST FOR A CERTIFICATE OF COMPLIANCE**

Ms. Schloss reported that this Certificate of Compliance of for the roadway-widening project conducted by LNR for Tri-Town Development/Naval Air Station. She said she met on site with the applicant and Steve Ivas, Wetland Biologist who represented Tri-Town Development. She said 'all looked good'. She received the Storm Water results and the data looked good. She has also received the 'as built's', but they need to be stamped and signed. They will be coming before the Commission at the next meeting on 6/24/09.

Cmmr. Murphy to continue the hearing to 6/24/09.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

**1420 MAIN STREET - RICH'S AUTO SERVICE  
VIOLATION HEARING**

Mr. Bruce Richards, owner of Richard's Auto Service, 1420 Main Street came before the Commission.

Chairman Murphy commented to Mr. Richards that the Administrator has informed the Commission there was a problem there; with Ms. Schloss adding the he is now learning about the Wetlands Protection Act. Permit. She said she has been receiving complaints about the activity there, adding when she visited the area there appeared to be some fill, encroachment and activity taking place within a protected area.

Chairman Murphy told Mr. Richards that the Administrator was willing to work with him and help him, adding if the area is not corrected he could be assessed fines. He recommended that he speak with the Administrator and find out what needs to be done to avoid any fines.

Ms. Schloss recommended he hire an Environmental person, informing members that she and Mr. Richards had already walked the site.

Chairman Murphy noted that Mr. Richards didn't think he did anything wrong.

At this point Ms. Schloss showed the Commission members 1998 aerial pictures of the area that showed the wetland line - then compared them to 2009 pictures - depicting a definite difference. She noted that Mr. Richards has told her that the area has seen a lot of change and that it was not wet when he bought the property - that it has changed.

Mr. Richards told members he was unclear as to what exactly the problem was or what he has done wrong, adding that 25 years ago there was not water there.

Chairman Murphy suggested that he could hire a consultant.

Ms. Schloss told Mr. Richards that he had disturbed the buffer zone and possibly even the wetlands.

Mr. Richards emphasized that he has not added any fill - all he did was construct a bike path for his children.

Chairman Murphy explained that this is where an engineer could help him.

Ms. Schloss recommended he hire a wetland scientist or an engineer.

Mr. Richardson said he couldn't afford to hire one and asked if he could resolve the issue himself.

Ms. Schloss explained that he would need to restore the areas that would include replanting and regrading. She wouldn't be able to do that for him, but because she was so busy she offered to give him a couple of hours to help him solve the problem.

Mr. Thompson told Mr. Richards that hiring an environmental scientist didn't have to be a huge expense, could be as little as a couple of hundred dollars.

Mr. Richardson said that right now he was far behind on his taxes and other bills.

Chairman Murphy told him that for now there could be no more bikes using the trail back there - adding he can't have it both ways.

Mr. Richards restated that he only made a trail.

Chairman Murphy said it was his recommendation for now that one can go back there.

Ms. Schloss suggested that he might think about bartering for the work, offering his services for a consultant's help.

Chairman Murphy said they could give him some names.

Cmmr. Gowen told Mr. Richardson that the Administrator works well with people. She emphasized that rules have been broken and the Administrator is willing to help - encouraging him to work with her and things will work out.

Mr. Richards again stated that he didn't think what he did was wrong.

Chairman Murphy said he realized it was a financial issue for him but at this point he needed to put some elements in place and he needed to shut down activity back there until the issue was rectified. He then asked Ms. Schloss if there were any programs in place to help those that are indigent - like possible help from students.

Ms. Schloss didn't know of any, but said they had similar situation in the past and she tried to help.

Chairman Murphy told the Administrator to have Mr. Richardson pull back to her satisfaction, adding that for now possibly he could use some of the land to a degree.

It was agreed that Ms. Schloss and Chairman Thompson would make a site visit and they would all work together with Mr. Richardson to resolve the problem.

Mr. Richardson was grateful for the suggestion and offer of help.

Cmmr. Thompson moved to continue discussion of the matter to June 24, 2009.  
Seconded.

Discussion:

Cmmr. Coven told Mr. Richards that now was the time for him to educate himself and his children about wetlands.

Cmmr. Thompson explained what the members saw when they viewed the aerial pictures from 1998 to 2009, which showed a definite difference in the size of the wetland and its infringement. He said it was essentially accurate - but acknowledged that sometimes it might not be.

Mr. Richardson invited Cmmr. Thompson and Ms. Schloss to come anytime.  
UNANIMOUSLY VOTED

#### **FILE 81-841, SHERRICK'S FARM ROAD REQUEST FOR A CERTIFICATE OF COMPLIANCE**

Ms. Schloss told members that this project was in compliance and was all set.

Cmmr. Murphy to approve a Certificate of Compliance for Sherrick's Farm Road, File 81-841.  
Cmmr. Coven seconded.  
UNANIMOUSLY VOTED

#### **OTHER BUSINESS**

##### **MINUTES - MAY 13, 2009 FOR REVIEW AND APPROVAL**

Cmmr. Coven moved to approve the minutes of the May 13, 2009 minutes as amended.  
Motion was seconded.  
UNANIMOUSLY VOTED

#### **CONSERVATION REPORT**

##### **Small Claims Court**

Ms. Schloss reported that Mr. Silvestro is presently suing the Town of Weymouth/Conservation Commission for harassment of Cheryl Silvestro

#### **QUINCY CREDIT UNION, 33 COLUMBIAN ST. STATUS OF CERTIFICATE OF COMPLIANCE**

Ms. Schloss reported that at this point she has been out to the site, and has some issues with the restoration area. She said that there is a pretty significant off-site restoration area, located adjacent to their property. She has asked them to remove the invasives; i. e., Phragmites and Knotweed - which have been growing back.

Ms. Schloss went on to say that they will be coming in for their Certificate of Compliance and at this point she felt they should only agree to a 'partial' Certificate of Compliance, as they may need to continue to remove the growing invasives.

Chairman Murphy suggested that she ask Quincy Credit Union to make one more effort in removing the invasives and that the Board would go along with a Partial Certificate of Compliance at this time.

Ms. Schloss further reported that Credit Union was requesting to open on Monday, June 15<sup>th</sup>. At this point it is possible that they can open with a Temporary Certificate of Occupancy. She still needs their 'as built' and their drainage information. She told the Commission that if they were okay with letting them open, then she was fine with it, adding they have been trying to work with her and have been cooperative. She said all conditions have been complied with the exception of this area.

Ms. Schloss asked if it would be okay to sign off on the '30 day Certificate of Occupancy', at which time they would have to come back before the Commission.

Chairman Murphy said she should agree to the 30 days and if the work is not completed by the end of that time period then they could be closed down.

Cmmr. Thompson moved to approve the Administrator signing off on the Temporary-30 day- Certificate of Occupancy for Quincy Credit Union and if the balance of the work on the Order of Conditions with them returning before the Commission for a Final Certificate of Compliance at that time - but if the work is not completed at that time they could be shut down.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

#### **ALEXAN UPDATE**

Ms. Schloss reported that she spoke with Atty. Jim Lampke and he doesn't think the difference in the amount of the bond issue could be dealt with administratively. Further Trammel Crow might appeal the local decision in Superior Court, at that point the amount might be worked out. She commented that this might be the easiest way to handle it. She said she would keep the members updated.

Ms. Schloss went on to note that she received a call from the Marques' attorney - and the Commission might get something in the mail in regard to this (from Trammel Crow or the Marques).

Lastly Ms. Schloss noted that on June 3<sup>rd</sup> she did a site walk in regard to DEP's superceding Order of Conditions - she and Chairman Thompson were present.

#### **POND STREET APPEAL**

Ms. Schloss went on to report that Harvey Welch is appealing the Commission's approval of Pond Street in regard to the sidewalks - and his concern in reference to flooding in his property. She said there are now some complications with the proposed project. The residents voiced concern regarding the location of the crosswalk and the Chief of Police, Jim Clarke/Director of Planning & Community Development agreed. (It was noted that Town Councilor Mike Smart spearheaded this). At this point they might come back before the Commission. They can come back for a piece of sidewalk or look for a new Notice of Intent.

#### **KING PHILIP SCHEDULED FOR 6/24/09**

Ms. Schloss wanted the members to know that at this point the agenda for the June 24<sup>th</sup> meeting is getting rather cumbersome. She wanted to point out that only Chairman Thompson, Cmmr. Gowen and Cmmr. Coven would be able to vote on this project.

**DOCKS & PIERS**

Ms. Schloss informed the members that she was approached by a person from Saunders Avenue, which is located near Bluff Road/Power Plant at Fore River. The person wanted to install floats, 150 ft. long - 8 ft. out from the sea wall, which she noted was not his property. (She presented pictures to the Board). She informed him that it doesn't apply to the WPA/Wetland Protection Act. He told her that the flotation would be on the bottom only. She would like him to come before the Commission. She noted that there were shellfish out there, adding he would need to file a Notice of Intent. She said if he bolts into the seawall only, he would need a '10A' permit, but once he puts anything permanent in the ground he would need to apply for a Chapter 91 permit

Ms. Schloss went on to say that she was uncomfortable with what the gentleman was proposing, emphasizing she believes they need to be consistent in this area. She pointed out that others in this area and other areas (Idlewell Ave.) might presently have floats sitting on the saltmarsh/tidal flats, which don't comply. She commented, when one tries to do the right thing it seems unfair. She viewed it as a big policy issue. She suggested they might want to sit down with Mayor Kay and the Harbormaster on this.

Cmmr. Gowen agreed and volunteered to get involved in the process as the Commission's representative.

Cmmr. Thompson saw it as a very sensitive and political issue.

Ms. Schloss wanted to point out that her time was limited.

Cmmr. Thompson saw the difficult part being those who had not followed procedure and Chairman Murphy agreed, adding they need to have uniform enforcement.

Cmmr. Thompson commented that he saw no problem with floats on the salt marsh, but realized not everyone agreed with his viewpoint. The state says there is a difference between something attached to a seawall or with a bottom anchor verses something stationary in the ground. He was recommending that Ms. Schloss send a letter to Mayor Kay outlining the situation. He went on to say that the law says if it is attached to a wall it does not require a state permit, and it then becomes local. He said it makes very little difference in effect re. the resource area. He said he was still recommending a letter go to he Mayor, Jim Clarke and Paul Milone/Harbormaster.

Ms. Schloss also noted there was a second issue and that was the docks on Whitman's Pond.

Cmmr. Murphy to have Ms. Schloss draft a letter to Mayor Sue Kay, Paul Milone/Harbormaster, Town Solicitor George Lane and Jim Clarke/Director of Planning and Community Development regarding the present situation and concerns regarding a Town policy for docks/piers in the Town of Weymouth and how they should proceed with present requests - for the Chairman's signature.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

**WILD TURKEYS**

Ms. Schloss told members that they were shooting turkeys in Martin's Woods and she would like "NO HUNTING" signs posted.

**POSSIBLE RFD UPCOMING - RE. LOCAL JURISDICTION - 180 ESSEX STREET**

Ms. Schloss informed members that she has requested an RFD for 180 Essex Street. She said that the owner is putting in a new catch basin and wants to add topsoil approximately 10 ft. from the wetland. She said there was another file and she wanted go be consistent. The owner is allowing the Town to cross her property to make repairs to the wall - so she felt she could do this work without a permit, but she has told her she cannot.

**The JUNE 24th, 2009 meeting will begin at 7:30 PM in the Town Council Chambers of the Weymouth Town Hall.**

**ADJOURNMENT**

Cmmr. Coven moved to adjourn at 8:52 PM.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

Respectfully submitted,

Susan DeChristoforo  
Recording Secretary

APPROVED: \_\_\_\_\_

Date: \_\_\_\_\_