

WEYMOUTH CONSERVATION COMMISSION
June 13th, 2007 Meeting

PRESENT: John Thompson/Chairman, Cmmr. Gerald Murphy, Cmmr. Scott Coven/Clerk and Cmmr. Adrienne Gowen

ALSO PRESENT: Conservation Administrator, Mary Ellen Schloss

Chairman Thompson called the June 13th, 2007 meeting of the Conservation Commission to order at 7:40 PM.

Summer Meeting Schedule

Members agreed that the summer schedule would include one meeting in July - July 18th, 2007 and one in August: August 15th, 2007 - and if for any reason another meeting needed to be called Ms. Schloss would notify the members.

Chairman Thompson suggested taking File 81-1015 out of order as Cmmr. Kent had not arrived for the Woodbine hearing.

UNANIMOUSLY VOTED

Cmmr. Murphy moved to take File 81-1015 out of order.

UNANIMOUSLY VOTED

275 River Street - Continued Hearing

Tern Harbor Marina - Joseph Sugar

DEP File #81-1015

Notice of Intent

Cmmr. Murphy moved to open the continued hearing for Tern Harbor Marina, File 81-1015.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Carlos Pena/PE and Principal of CLE Engineering came before the Board along with Joe Sugar, Manager of Tern Harbor Marina. Mr. Pena asked Ms. Schloss if she had received a response from the Division of Marine Fisheries regarding their project.

Ms. Schloss told members that she received two responses on this project and distributed copies of their written responses; i. e., the first a letter was sent to Tay Evans, Marine Fisheries Biologist from CLE Engineering (comments with responses) from DMF and the second was a copy of an email re. Tern Harbor Marina Bulkhead from Tay Evans/DMF to Carlos Pena/Tern Harbor Marina representative and Ms. Schloss/ Administrator.

Mr. Pena explained that DMF's was concerned with the removal of debris/rubble (rip rap) that was presently a part of the deteriorating wood bulkhead - feeling the removal would cause problems to marine life, etc. He noted that DMF referred to the debris/rubble as riprap, commenting that they feel their removal would result in the potential net loss of habitat/food (algae) for the marine life in this area. He further explained that the applicant believed that placement of the new proposed steel bulkhead would provide habitat for the marine algae. In addition, he commented, Tern Harbor Marina recently completed a 460' section of riprap replacing a concrete pile revetment, and this replacement would also create new habitats for the site/marine life.

Responding further to this comment, Mr. Sugar explained to members that the entire bulkhead is surrounded by concrete docks, which he believed would be an asset to the habitat.

Chairman Thompson referred to the curved nature of the barrier, commenting that it appeared that it would serve to mitigate the wave action and erosion.

Mr. Pena next referred to DMF's second concern regarding erosion - commenting that the bulkhead would impair habitat potential as well as worsen the erosion/scouring due to increased wave reflection off the bulkhead. He clarified that in actuality, the bulkhead's design dissipates wave action and would reduce/potential erosion/scouring of adjacent habitats.

Additionally, he stated, the westerly fetch is blocked by wave attenuation perimeter floats and unlikely to contribute to the erosion and scouring of the nearby habitats.

Members felt that Mr. Pena's response should satisfy the DMF's concerns.

Chairman Thompson commented that he felt the algae, moss and fish would be replaced in short order through the natural processes.

Ms. Schloss felt that the 'time of year' restrictions were important to include in the Order of Conditions and the Chairman agreed.

Ms. Schloss also felt that the applicant must submit a Soils Management Plan. She told members that she had conducted a site visit, operation, adding she also wanted to add some restrictions in regard to any stockpiling within the 100-year floodplain.

Chairman Thompson agreed with this restriction, as well as requiring a Management Plan for hazardous materials.

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

Cmmr. Murphy moved to close the public hearing for File 81-1015, Tern Harbor Marina.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

275 River Street - Continued Hearing

Tern Harbor Marina - Joseph Sugar

DEP File #81-1015

Order of Conditions

Commr. Gowen moved to issue a Standard Order of Conditions for Tern Harbor Marina, File 81-1015, plus the special conditions as proposed by the Administrator.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Ms. Schloss noted that the applicant would also need a Chapter 9I Modification and the applicant acknowledged this.

Chairman Thompson told Mr. Sugar that he is looking forward to a walk-through to view the operation at Hewitts Cove Marina - and Mr. Sugar welcomed the opportunity to do so for any/all Commissioners.

328 North Street - Continued Violation Hearing

Charles and Dawn Struzzieri

Chairman Thompson stated that they received a letter informing the members/Administrator that the Struzzieri's would not be present this evening. He told members that they need to reformulate a letter to the Struzzieri's to let them know they need to submit a Restoration Plan that would include the removal of fill in addition to a Landscaping Plan.

Commr. Gowen moved that the Administrator send the letter as outlined by the Chairman to the Struzzieri's specifying the Commission's requirements along with a timeline.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

133 Greenvale Avenue - Hearing

Karen McCarthy

Map 25, Bl 333, Lot 30

Request for Determination

Chairman Thompson noted that the applicant, Karen McCarthy (who was present) was proposing to add a 3-season room in the patio area of her property and based on the information submitted, there would be no negative impact to the resource area.

At this point, Ms. McCarthy gave the Administrator the abutters' certified mailing receipts.

Ms. Schloss confirmed with the applicant that the only excavation would be for the sonutubes. She felt a Negative 3 finding was appropriate. She pointed out that the site is located next to West Cove and based on this location and proximity to the Pond, she asked the applicant not to use any fertilizer.

Cmmr. Murphy moved to issue a Negative a Negative 3 Determination for Karen McCarthy, 133 Greenvale Avenue.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

52 Prospect Hill Drive - Hearing

Robert White

Map 2, Bl 4, Lot 20

Request for Determination

Mr. Robert White, applicant came before the Board along with his engineer, Shawn Hardy.

Chairman Thompson noted that although a Request for Determination was filed, he felt that a Notice of Intent was more appropriate and for the future he asked that they check with the Administrator first before submitting any paperwork to verify they are submitting the appropriate documents/forms.

Mr. Hardy told members that the proposal was for an addition to an existing residence, with a portion of the present dwelling in the rear to be removed. The proposed deck would be located 43 ft. to the top of the bank and would be on sonutubes. In addition, the deck would be located in the rear where there is a chain link fence. He explained to the members that he basically went the RFD route because although the coastal bank might be affected - it was 53 ft. away. The addition would include a 4-ft. foundation. He noted there was the potential for runoff, but quickly added an R F D would allow for conditions.

Mr. Hardy went on to state that the applicant has done work in this area in the past and had erosion controls in place; i. e., a silt fence and haybales. He further stated that there is an existing driveway in the front and plans call for having a Dumpster there. In closing he affirmed that there would be minimal stockpiling of material.

Cmmr. Coven noted that the proposed deck would be 43 ft., but asked about the location of the corner and its proximity to the resource area.

Mr. Hardy replied that it would be 50 ft. from the resource area.

Ms. Schloss asked about a 10-ft. change in grade (from the top to the back).

Mr. Hardy told her that there were not proposing a change in grade.

Ms. Schloss then referred to the deck asking if it was elevated on the second floor, and if there would be grass under the deck.

Mr. Hardy said there would be gravel under the deck, adding the finished floor would be at elevation 35' (on the first floor).

Ms. Schloss asked if there would be any stockpiling of debris/soil.

Mr. Hardy said they plan on scooping out the soil when they do the footing, with anything else taken off site. He clarified that there would be minimal stockpiling when they are backfilling the foundation.

Ms. Schloss asked for the abutters' list and Mr. Hardy submitted it.

Chairman Thompson recommended a Negative 3 with conditions.

Cmmr. Murphy moved to issue a Negative Determination for 52 Prospect Hill Drive, with conditions as proposed by the Administrator.

Cmmr. Coven seconded.
UNANIMOUSLY VOTED

30 Unicorn Avenue

DEP #81-975 Brenda Kowalski

Request for an Extension to Orders of Conditions

Cmmr. Murphy moved a one-year extension for File 81-975, with the new expiration date to be 3/3/08 (last one expired on 3/3/07).

Cmmr. Coven seconded.
UNANIMOUSLY VOTED

Wessagusset, Wituwamat, Paomet Drainage Project

DEP #81-941

Town of Weymouth, DPW

Request for an Extension to Orders of Conditions

The Chairman noted that a lot of flooding has been remedied with the work that they have been doing in this area, but at this point there is still some areas are still being flooding like Paomet - so more work and time are needed.

Cmmr. Murphy moved to issue a one year extension to the DPW, re. File 81-941 with the new expiration date to be 2/23/08 (last one expired on 2/23/07).

Cmmr. Coven seconded.
UNANIMOUSLY VOTED

At this point it was agreed to take a five-minute recess so that the Administrator could check with Cmmr. Kent to see if he would be able to make tonight's meeting - and Woodbine Hearing.

Chairman Thompson called the meeting back to order and it was agreed that they would proceed with the Woodbine hearing as Cmmr. Kent would not be able to make this evening's meeting.

Woodbine Road - Continued Hearing

Ryder Development

DEP File #81-1013

Notice of Intent

Cmmr. Murphy moved to open the continued hearing for Woodbine Road, File 81-1013.

Cmmr. Coven seconded.
UNANIMOUSLY VOTED

Mr. Al Trakimas/PE from Sitec, representing the client, Ryder Development, came before the Board. Mr. Trakimas reminded members that their last plan has been revised to address the comments and concerns noted by the Administrator at their last hearing. They are now submitting a new plan with changes of grading noted and they have highlighted the trees that are 6" or larger as requested.

Chairman Thompson asked if the drainage pattern was affected with the grading. He also wanted to know if there were any issues with the drainage calculations re. the pre and post numbers.

Mr. Trakimas replied 'no', referring to the proposed conditions for the roadway. He told members that they intentionally 'over-designed' the recharge system to accommodate future development. He said he anticipates a footprint of 32' x 48' re. the size of the house and 24 x 24' for the garage plus the driveway. He pointed out that their recharge system could accommodate the homes up through a 10-year event. He further stated with their proposed plan they could accommodate roadway construction as well as the lot buildout.

Chairman Thompson asked for information on the wildlife habitat in this area.

Mr. Trakimas said he did not anticipate any habitat changes brought about by the roadway construction, adding that the area of disturbance re. the roadway would be minor. He wanted to point out that the area had been previously disturbed and there was no real wetland impact on the habitat. So in regard to the wetland, he stated there would be no affect from the construction of the roadway. He said when they get into the lot construction that would be the appropriate time to address any affects to the habitat.

Cmmr. Coven noted that Chip Fontaine/DPW referred to routine maintenance, and then asked the applicant about the status of a Homeowner's Association.

Chairman Thompson interjected that particular area of the project did not fall under the jurisdiction of the Commission.

Cmmr. Coven responded that he felt it might if the DPW could not handle the routine maintenance - clarifying at that point the lack of maintenance could negatively affect the wetland and based on that he felt the Commission needed to address this point.

Chairman Thompson explained that once the road is accepted the responsibility would become the DPW's.

Mr. Trakimas spoke about the storm water treatment unit, adding they propose a unit with an integrating conventional catchbasin. He explained to members that the DPW requires one with sediment removal, adding that their recharge works in a 100-year event - so that by installing a conventional catch basin it should serve the purpose and remove the sediment keeping sediment from getting into the system - then the DPW would maintain it.

Chairman Thompson said that he believed the DPW and the applicant need to work together on that.

Ms. Schloss commented that since the roadway and the infiltration system are outside of the 100-ft. buffer, the Commission has limited input in this area. She agreed with the Chairman that this issue was really between the DPW and Ken Ryder/Ryder Development. With regard to the infiltrator - they must be aware of not clogging up the system, adding that she felt the system the applicant is proposing is better for removing TSS (total suspended solids).

Mr. Trakimas interjected that they could also put in a grit chamber, adding that it works very well.

Ms. Schloss agreed.

Commr. Gowen asked what Ken Ryder used for his project on Washington Street.

Ms. Schloss replied that it was catchbasins leading to an infiltration unit.

Next Ms. Schloss wanted to address the large trees that she felt were missing from the plan. She asked if any trees were being removed.

Mr. Trakimas said that there are thick briars there on drain manhole 2 (DMH2). Re. the larger trees at the site, he said that there was one large tree (in the cul-de-sac area), another on the lower end in the brush - and one more outside the bufferzone within the pavement area of the cul-de-sac.

Chairman Thompson asked if they could leave the big tree in the middle of the cul-de-sac and Mr. Trakimas responded that they couldn't because it was not in the right location.

Ms. Schloss told Mr. Trakimas when she visited the site she observed 4-5 large trees, asking 'will they be removed?'

Mr. Trakimas addressed the trees by the 78' contour within 1 ft. or so of the fill, confirming they were fairly large trees. He said he didn't see the proposed work affecting the trees at all, so he didn't feel they would need to cut them down.

Ms. Schloss told him that in the Order of Conditions they would require any trees scheduled to be taken down be flagged. Next she had a question re. Lot 1, noting it slopes to the water. She wanted to make sure it wouldn't be a problem to get the driveway water runoff to drain to that system be treated - she was concerned with contamination with oil/grease, etc.

Mr. Trakimas told members that the runoff would be treated and directed into the filtration system, confirming it would be mitigated - and addressed the gravity flow. He commented that all 'conditions' would be addressed.

Ms. Schloss noted that she would also be commenting on the subdivision layout and the small size of Lot 1 which is located in the buffer zone. Additionally she wanted the applicant to submit a statement on the "Wildlife Habitat", where they are and any potential impact.

Chairman Thompson stated that the hearing would need to be continued, in part, to see review the DPW's feedback.

Ms. Schloss wanted to add that there would also be a 'condition' re. the quality of fill.

The hearing was opened to the public.

Suzanne Helman, 28 Woodbine spoke, referred to the applicant's comment on 'there being a few birds there' - stating there were a lot more than a few birds. She also referred to the comment that the area had been previously 'disturbed', noting that she and others have lived there for more than 50 years and are not aware of any previous disturbance.

In responding to this comment, Mr. Trakimas said that there was a large depression at the end of Woodbine where there used to be a cottage, adding that it definitely appeared to have been disturbed. He suggested the Commissioners make a site inspection and draw their own conclusion.

One resident told members that there were a lot more trees than noted on the plan, with Ms. Schloss interjecting when she referred to trees she was only referring to the area within the 100 ft. buffer zone. She agreed there were a lot more trees in the area, but wanted to note, they were outside the jurisdiction of the Commission.

Maryann Lindsay, 25 Woodbine Rd. spoke next. She informed members that ever since work has begun in the area (new construction on Washington Street) the neighbors have been having problems with wildlife animals coming onto their property; such as, raccoons, groundhogs, deer who have entered their property and some their homes, adding this has never happened before. She went on to say that one neighbor had a raccoon living in her chimney and was very scared because she couldn't get help to remove it. She was also concerned with the animals permanently losing their homes due to the construction/project. She said that Suzanne Helman had found groundhogs under her deck - and they have never had this type of problem before.

Chairman Thompson said he understood the concerns of those in the neighborhood but wanted to clarify that the Commission has a responsibility to balance everyone's rights - residents/abutters as well as the property owners - specifically for those matters that fall under the Commission's jurisdiction - referring to the removal of trees and the concern about the displacement of the wildlife.

Mr. Kenny Williams, 21 Woodbine Rd. was the next speaker. He told members that Woodbine was not an 'accepted' street, adding it is only 20 ft. wide. He said that there was a catchbasin located in front of his driveway. He said with a new road he could foresee all the runoff ending up in his yard which was a big worry for him. He stated that Lot 1 was not 25,000', and then asked 'how could they build a house there?'

Chairman Thompson replied that the size of the road and the condition/location of the catchbasin were not under the Conservation Commission's control - explaining that the Planning Board and DPW were the proper sources to help him. He went on to explain that if the Board denies this project, it would be appealed to the DEP (Ma. Dept. of Environmental Protection) and they would take over the project - with less stringent rules than this Commission.

Ms. Lindsay asked 'how can he talk about Lots 1, 2 and 3' and Chairman Thompson told her 'because he (Mr. Trakimas) was nice enough to share that information with us, even though it is not part of the filing/Notice of Intent this evening.

Ms. Lindsay then asked 'then they have to come back for the lots?' and the Chairman replied 'yes'.

Mr. Williams then talked about the applicant's need to do blasting.

Chairman Thompson replied "that's down the road and there are Rules and Regulations they need to comply with - including the appropriate permits", adding the Fire Department closely regulates that.

Chairman Thompson told those present that they would be continuing the hearing to July 18th.

The applicant agreed with the continuance/date.

Cmmr. Coven moved to continue the hearing to July 18, 2007.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

Lot 3A Martin Street

DEP #81-973

Applicant: Stephen Zeboski

Request for an Extension to Orders of Conditions & Minor Modification

Chairman Thompson noted that there was some concern in regard to the cleaning out of the culvert.

Ms. Schloss referred to the Zeboski's original Order of Conditions and about the concern from the abutter re. the culvert being blocked which was causing the water to rise higher and higher.

Chairman Thompson emphasized that the culvert must be cleaned. He pointed out that the applicant was requesting to build a new retaining wall approximately 20 ft. closer to the wetland. He said that before they grant the request for a new wall, the culvert would have to be cleaned. He explained the reason for the request by the property owner was to help him sell the property. He noted that the proposed work would be taking place up to the 25' "no disturb" line, creating a 40' back yard - which was more attractive to a new buyer.

Ms. Schloss told members that she met with John Richardson/Wetlands Biologist to speak about an alternate proposal that would allow for overland flow, instead of cleaning out the culvert - and to do some native plantings. At this point she has not seen John Richardson's plan.

Chairman Thompson interjected that he also wanted to see the necessity for this request. He said he didn't want to deny his request to go up to the 25 ft. No Disturb Zone, then have this action denied by the DEP - commenting that he just wanted to see some give and take. He went on to say that he understands why the property owner wants to proceed in this manner, noting that he was within his rights to make this request. He suggested that they send a letter informing Mr. Zeboski that the culvert must be cleaned out and that a Planting Plan be submitted - and to request a wall 6 ft. to 8 ft. off the ground.

Ms. Schloss replied that she was not crazy about the idea of building on the slope, but commented that she sees it happening more often in the future with less land available for development. She told the members that she would send the letter and request Mr. Zeboski be present at the 6/27/07 meeting. She added that Mr. Zeboski had also requested an extension to his Order of Conditions, which expired on 01/27/07.

Cmmr. Murphy moved to continue the hearing for Mr. Zeboski for Lot 31 Martin Street to June 27, 2007.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Cmmr. Coven moved to grant the request for an extension to the Order of Conditions for File 81-973 to January 27, 2008.

Cmmr. Murphy seconded

UNANIMOUSLY VOTED

72 David's Island Road

File 81-1000

Applicant: Michael Lynch

Request for approval re. a Minor Modification re. Order of Conditions

Chairman Thompson noted that part of the retaining wall collapsed when creating/adding the new one, so the property owner was requesting to extend the wall straight across where the other fell down.

Cmmr. Murphy moved to approve an amended Order of Conditions for File 81-1000, retaining the same original conditions with regard to pouring the wall - that it be done during the lowest point in the tidal cycle - and that no concrete work would be done when the tide is 10.2' or higher - and lastly to have erosion controls in place during this process.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Minutes: March 28, April 11, for signature, April 25, for review

Cmmr. Murphy moved to approve the minutes of the April 25, 2007 meeting as amended.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Other Business and Conservation Report.

Re. Commr. Kent Reappointment: Ms. Schloss noted that Commr. Kent needs to contact Lee Hultin in the Mayor's office regarding his reappointment to the Commission.

Ms. Schloss next reported that there would be a DEP site visit re. File 81-895/Ryder Development's project on Summit Ave., as he is requesting his **Certificate of Compliance**. She will try to be there.

The Division of Conservation and Recreation is holding a Public Hearing on June 21st from 7PM - 9 PM and it would involve connecting the trail at Abigail Adams with Great Esker Park - and connecting Stoddard's Neck with Bare Cove Park the Town of Hingham.

Next Ms. Schloss informed the members that there will be a large project coming before them by Algonquin Gas; i. e., The East to West Expansion Project whereby a gas line would be installed through Weymouth. An open house informational hearing is scheduled for June 28, 2007 from 6PM- 8 PM.

Ms. Schloss noted that she would be meeting with the MWRA at the Murphy School on Front Street in regard to the replication work at King's Cove re. the pumping station - adding that it has never functioned properly. She said that although it is not on their land, they are responsible for moving it. She told members that she gave them a copy of the Back River's Restoration Plan.

Status of Weathervane Project - Cmmr. Coven asked about the status of the requested bond and Ms. Schloss replied that she received a letter from Jim Bristol, Jr. stating that to date he has been unable to obtain the performance bond due to the 10-year post compliance monitoring component of the special condition, but alternative bonding arrangements are being pursued so that they might meet the bond requirements of their Order of Conditions.

Ms. Schloss went on to say that Mr. Bristol was supposed to provide a report on the pumping/methodology back in February and they had been before the Board months ago without it.

Chairman Thompson asked when they submitted their last update.

Ms. Schloss again noted they were supposed to submit monthly reports, but stated that this has not been the case. Members were given a copy of an April/May update received on 5/31/07. She felt she might need to speak with them personally about the outstanding items.

Chairman Thompson asked Ms. Schloss to send the Bristol's a letter re. Weathervane Golf Club/Village at Weathervane and to outline the items that were outstanding and needed to be addressed.

Update on Stokes Enforcement Order - Ms. Schloss told members that the Stokes dropped their Appeal to DEP. She has spoken with Lisa Stokes and told her that she needed to submit her Second Year Report and she, in turn, said she would speak to John Richardson about it.

Update on 35 Regatta Road - Ms. Schloss reported that Rand Currier finished the required planting. She visited the site and felt that it 'looked good', although there is concern over other invasive species taking over.

Re. J. Knight/Regatta Road - Ms. Schloss is working on his Enforcement Order.

The June 27, 2007, Meeting will be at 7:30 P. M., at Weymouth Town Hall.

Adjournment

Cmmr. Murphy moved to adjourn at 9:36 PM.

UNANIMOUSLY VOTED

Respectfully submitted,

Susan DeChristoforo
Recording Secretary

APPROVED: _____

Scott Coven, Clerk

DATE: _____