

WEYMOUTH CONSERVATION COMMISSION

June 27TH, 2007 Meeting

Town Council Chambers

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

ALSO PRESENT: Conservation Administrator, Mary Ellen Schloss

Chairman Thompson called the June 27th, 2007 meeting of the Conservation Commission to order at 7:36 PM.

Lot 3A Martin Street

DEP #81-973

Applicant: Gary Gabriel

Request for an Extension to Orders of Conditions & Minor Modification

Cmmr. Murphy moved to open the hearing for File 81-973, Lot 3A Martin Street.

Cmmr. Coven seconded

UNANIMOUSLY VOTED

Mr. Gary Gabriel/Gabriel Homes came before the Board

The Chairman summarized the proposal for a Minor Modification, stating that the property owner was requesting construction of a second retaining wall - close to the wetland at the 25-ft. No Disturb Zone. He told members that a couple of the trees had to come down, but this was done without permission - for which Mr. Gabriel apologized.

Next Mr. Gabriel presented the modified plan to the Board. He said he would be using 2' x 6' blocks for the retaining wall, which would include ivy plants for the base. He stated that there would be no footing needed and explained the process. He noted that he also planned to add fill behind the wall.

Chairman Thompson asked if he would be planting replacement trees for those that were removed without permission and Mr. Gabriel said that he would.

Ms. Schloss said the trees that were removed may have been Red Oaks. She guessed there were at least five (5) trees 6" + in diameter, along with shrubs and some saplings which estimated were less than 6" in diameter. She said the new trees would be planted further down on the slope. The other issue she had beside the replacement trees was the restoration of overland flow adjacent to the culvert, adding the plan was to be prepared/submitted by John Richardson. At this point she was requesting the applicant farther downslope in the wetland, a minimum of five (5) trees to replace those lost.

Chairman Thompson asked about the status of the plan prepared by John Richardson that would be addressing the dysfunctional drainage in the wetland.

Mr. Gabriel told members that he was in receipt of that plan - and then distributed copies to the Board.

At this point Chairman Thompson read the letter from John Richardson dated 3/5/07 which addressed construction of a shallow overflow, 25'L x 4'-5' W - as well as the addition of some plantings. It was noted in that letter that a Wetland Scientist would be on site to oversee the implementation of the plan (as outlined in the letter).

Ms. Schloss told members that she was on site with John Richardson when they discussed the corrective action that he was proposing. She explained that they didn't want to drain the up gradient wetland, but rather allow it to retain water and remain as a wetland. She went on to note that there was a lot of fill out there and spoke of the importance of the wildlife that was using the habitat. She went on to say that at this point they were proposing to create a swale and add plants that would provide wildlife habitat as well. She and John Richardson were in agreement on this plan.

Chairman Thompson summarized that Mr. Richardson was proposing to do what the bylaw allows, with the goal of enhancing the value of the Mr. Gabriel's property. He wanted to affirm that the Commission tries to balance everyone's rights. He also pointed out that the DEP allows property owners to work right up to the BVW line, where the Commission requires a 25' No Disturb Zone. He felt if they followed John Richardson's plan and added some plantings to replace the lost vegetation, the proposal should work out for everybody.

Cmmr. Coven noted that even though the applicant had agreed to replace the trees, those that would go in would actually be smaller trees - based on that he would like to see the addition of seven trees (as opposed to 5) - and the applicant agreed to this request.

Ms. Schloss told Mr. Gabriel that erosion controls would have to be re-established including an entrenched silt fence and/or a double row of hay bales. She reviewed the conditions that would accompany the approval of the minor modification which would include:

- Re-establishment of erosion control lines
- Advise the Administrator in advance of any work taking place
- Replacement of trees/vegetation

Cmmr. Murphy moved to approve the minor modification as requested by Mr. Gabriel re. Lot 3A Martin Street, File 81-973 - with conditions as outlined by the Administrator and approved by the Board.

Cmmr. Coven seconded

UNANIMOUSLY VOTED

REQUEST FOR DETERMINATION OF APPLICABILITY

Ryder Development

812 Middle Street

Map 33, Bl 430, Lot 12

Mr. Scott Arnold, PE/Arnold Associates, representing the applicant Ryder Development came before the Board. He informed members that the applicant was requesting approval of a 30' x 30' addition that would be located 31 ft. from the BVW. The proposal would call for removal of 4-5 Oak trees in the rear.

Chairman Thompson said that he would like to see the addition of some trees to replace those that would be coming down and Mr. Arnold agreed to this request.

Mr. Arnold went on to inform members that a site plan was provided with a wetland delineation prepared by John Richardson. He described the property/wetlands as bordering Whortleberry Pond. Their proposal also called for the installation of hay bales 25 ft. off the wetland boundary, which would also be the 'Limit of Work' line. He described the area where they would be working as their backyard and although the grass/land will be disturbed, they would be restoring the grass upon completion of the addition. Plans also call for the removal of a 3-season porch as well as a concrete patio. He told members that there would be no alteration of the buffer zone - nor would there be any changes to the topography.

Chairman Thompson wanted assurance that the trees would be replaced with Oaks if possible.

Mr. Arnold said they would be replaced with 3 or 4 Oaks planted in the rear along the haybale line, with Ms. Schloss interjecting 'closer to the wetland would be okay'.

Cmmr. Coven asked if the Oak tree presently located along the haybale line could remain.

Ms. Schloss then asked Mr. Arnold if they would be removing the trees on the easterly side and Mr. Arnold replied 'yes'.

The property owner was present and explained that the tree bases they were referring to were rotting out and he felt it would be safer to remove them now, because he was fearful they would fall down by themselves in the near future - but he quickly added he would be happy to replace them.

Ms. Schloss noted there was no buffer between the wetland boundary and the lawn, so she suggested that they might also include the addition of (12) shrubs as well as some saplings along the boundary of the 25 ft. No Disturb Zone. She told members that these conditions could be included in a Negative 3 Determination, which she was recommending.

Cmmr. Kent moved to approve a Negative 3 Determination with special conditions as outlined by the Administrator which include the addition of (12) shrubs or trees with conservation seed mix

Cmmr. Murphy seconded.
UNANIMOUSLY VOTED

18 WHIPPLE CIRCLE

MARK THOMS

Map 40, Bl 489, Lot 76

DEP File # Not Available

Notice of Intent

Cmmr. Murphy moved to open the hearing for 18 Whipple Circle, Mr. Mark Thomas applicant.

Cmmr. Coven seconded.
UNANIMOUSLY VOTED

Mr. Shawn Hardy, representing the applicant, appeared before the Board. He told members that the proposal was for an addition to an existing family residence. The addition called for a 24' x 24' garage, with a bedroom above. It would be located along the Riverfront Area 67 ft. from the Riverfront - or 61 ft. from the shed. The proposal would also include the addition of 360 sq. ft. of impervious area. Mitigation would include the installation of 4x4x4 concrete drywells, confirming the proposal would meet 'redevelopment' standards for work involving the Riverfront Area.

Chairman Thompson asked for clarification re. the requirement that improvements would be made within the Riverfront area.

Mr. Hardy replied that they would be improving the drainage with the addition of drywells.

Chairman Thompson asked about the site presently having the ability to 'recharge'.

Mr. Hardy said that it did now, but pointed out that their proposal also called for an increase to the impervious area. He gave members the calculations for the present and proposed impervious surface which resulted in a net loss of 1,950 sq. ft. or 10.4%. He further explained that they would be recapturing more water post development than what is presently there. He acknowledged that there was also some debris there; i. e., lawn clippings as well as a dead tree in the Mill River. He suggested that if they removed the dead tree, it could be viewed by the Board as 'mitigation' also, adding that the applicant was offering to clean out the area.

Chairman Thompson questioned the wood pile on the 'river' side, with Ms. Schloss clarifying it was on the opposite side.

Chairman Thompson then asked about the distance between the fence and the river and Ms. Schloss responded that it varied, explaining that closer to the drainage ditch side it was probably 15' - 20' from the River.

Chairman Thompson asked about the wood and Mr. Hardy said when they are cleaning up they would remove the wood also.

Chairman Thompson said he didn't have a problem with the proposal as long as the site was cleaned up.

Cmmr. Kent commented that he viewed this work as a benefit to the area.

Cmmr. Kent moved to continue the hearing to allow for receipt of the file number from DEP.
Cmmr. Murphy seconded.
UNANIMOUSLY VOTED

**WEYMOUTH NECK SOIL REMEDIATION
REQUEST FOR MINOR MODIFICATION
DEP FILE 81-957**

Cmmr. Murphy moved to open the hearing for Weymouth Neck, File 81-957.

Cmmr. Coven seconded

UNANIMOUSLY VOTED

Mr. Sam Moffet, representing the applicant Conoco Phillips, came before the Board.

Chairman Thompson asked if the proposed modification would include a change in elevation.

Mr. Moffet replied that it would. He explained that the applicant would be moving the generated soil and sediment as part of the mitigation. This would include material from the Tern Harbor Marina dredging project/from Lot 1. He explained that they were proposing to raise the elevation in one area 2 ft. and another area about 3 ft. - so the site as presently 'permitted' shows a plateau on Weymouthport at elevation 17' - this would now increase to the 20 ft. range. Re. Webb State Park, the original elevation was 20 ft., with the proposed change it would increase from 23' to 24' to accommodate the additional material.

Chairman Thompson commented that it appeared the property owner, Mr. Iantosca, had plans to build there. Based on that he expected Mr. Iantosca would have some input on the proposed change and Mr. Moffet agreed.

Mr. Moffet told the members that he previously spoke with the Administrator about this. He noted that at the present time Mr. Iantosca and Conoco Phillips are discussing design plans for the area and at this point he didn't expect he would be proposing any major changes.

Chairman Thompson asked Mr. Moffet to return if there were to be any additional 'tweaking' at the site, adding at this point everything appeared okay.

Cmmr. Kent commented that if Mr. Iantosca agreed to remove the old pilings, it would be viewed as a gesture of good faith, but outside that he saw it as a 'great job'.

Ms. Schloss stated that she planned on writing a letter for the file stating that the Conservation Commission approved the minor modification requested by Mr. Moffet/Conoco Phillips at their 6/27/07 meeting. She then reminded Mr. Moffet that their Order of Conditions would expire on 8/4/07 and that he would need to return to request an extension - possibly at the Board's next meeting on 7/18/07.

Cmmr. Murphy moved to approve the minor modification re. Weymouth Neck Soil Remediation, File 81-957.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

**Request for a Certificate of Compliance
Tern Harbor Dredging Project
DEP File #81-956**

Mr. Sam Moffet represented the applicant, Tern Harbor Marina.

Chairman Thompson informed Mr. Moffet that they would first need a stamped engineering plan before they could issue a Certificate of Compliance.

Ms. Schloss added that she would also like to have a letter and an 'as built' plan from the Engineer for the files, with the letter stating that the project has met all of the Conditions and the project was in compliance.

Mr. Moffet responded that it was his understanding that 'certification' is implied with a 'stamped' plan.

Ms. Schloss replied that she viewed Tern Harbor as a complicated project and she would find this documentation helpful and Mr. Moffet agreed to supply same.

Cmmr. Murphy moved to issue a Certificate of Compliance for File 81-956, Tern Harbor Dredging Project upon receipt of the 'as built' plan, stamped plans and a letter from the engineering certifying all was in order.

Cmmr. Coven seconded

Discussion: Ms. Schloss stated that she has a meeting scheduled with Marilyn Wade and they would be going through all the plans and reviewing the elevations.

UNANIMOUSLY VOTED

Request for a Certificate of Compliance

Brian Shea/Applicant

50 Hobson Street

DEP File #81-938

Mr. Brian Shea, applicant and homeowner came before the Board. He told members that he had his surveyor out to the site and just discovered that an item was missed on the Order of Conditions.

Chairman Thompson asked if it was the drywell and Mr. Shea replied 'yes', adding that his contractor has agreed to come back and install it.

Mr. Shea stated that the project is still under construction and noted that the time to complete the project re. his Order of Conditions has expired.

Chairman Thompson said they would contact the Building Inspector about a temporary Occupancy Permit to help Mr. Shea.

At this point Chairman Thompson read a letter from James Nabstedt which stated in part the following changes in the project:

- the house size has increased by 2 ft. (away from the resource)
- the deck was redesigned by others (Ms. Schloss was okay with this change)
- re. grading - they used less fill than proposed
- they installed an enclosed 3-season room in place of the deck that was proposed
- a gutter was added which will run into the drywell (the dry well will be installed right away)

It was agreed that the Commission would send a letter to the Building Inspector in support of issuing Mr. Shea a temporary Certificate of Occupancy.

Cmmr. Kent moved to issue to issue a Certificate of Compliance for File 81-938, 50 Hobson Street upon completion of installation of the drywell.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

Request for a Certificate of Compliance

24 Paris Street

DEP File #81-990

Ms. Schloss reminded members that this was a 'rebuild' next to Whitman's Pond on South Cove and she felt they did a good job, including the installation of Conservation Posts. She was recommending the Board approve the request for a Certificate of Compliance.

Cmmr. Kent moved to issue a Certificate of Compliance for File 81-990, 24 Paris Street.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

Request for an Extension to an Order of Conditions**82 Prospect Hill Drive****File 81-982**

Cmmr. Kent recused himself from voting on this project as he knew the applicant.

Ms. Schloss recommended the extension be approved.

Cmmr. Gowen moved to issue a one-year extension to File 81-982, 82 Prospect Hill Drive as recommended by the Administrator with the new expiration date being 06/07/2008.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

APPROVAL OF MAY 2007 MINUTES

Cmmr. Kent moved to approve the minutes of the 5/9/07 meeting as amended.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Cmmr. Coven moved to approve the minutes of the 5/23/07 minutes as amended.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED (Mr. Kent abstained as he was not present at that meeting)

OTHER/NEW BUSINESS

Ms. Schloss reported that she has received notification from N-STAR.

Chairman Thompson noted that it was in regard to N-Star raising the elevation of an electrical line for safety reasons in the proposed would include a 25' footing - noting that this work needs to be done.

Cmmr. Kent moved to approve the work proposed by N-Star (replacement of a tap line).

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

Robert Stone**35 Heather Lane****Request for a Minor Modification**

(Cmmr. Murphy recused himself from participating as the applicant was personally known to him.)

Ms. Schloss reminded members that the Board approved a Request for Determination last year for Mr. Stone for an addition of a 3-Season room to his house constructed on the work would involve only minor excavation work.

Cmmr. Gowen moved to approve the Minor Modification re. 35 Heather Lane as recommended by the Administrator.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Enforcement Violation Update - Marc/Lisa Stokes, 22 Plymouth Road

Ms. Schloss informed members that she had spoken with Lisa Stokes and requested the information previously required by the Board which was currently past due, which she has received. Ms. Schloss then distributed the requested report. She went on to say that the last time she visited the site and everything looked good.

Cmmr. Murphy moved to approve a Certificate of Compliance for the house at the end of the growing season - and to close out the file at that time if all meets the approval of the Administrator.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Enforcement Order for 100 St. Margaret Street - Richard Murphy

Ms. Schloss reported that she would have an update on the status of this enforcement order at the next meeting.

Chairman Thompson asked that she document all in writing for the file.

Violation 100 Bridge Street/Tony Turecki

Ms. Schloss informed members that Mr. Turecki brought in some fill to be added to the beach. When the Building Inspector saw the truck with the fill he reported it. At this point Ms. Schloss passed out pictures of the site. She went on to say that she called and spoke with the owner and informed him that he needed to have certain permits/approvals in place before he could do that type of work as well as a set of plans.

In closing it was agreed that the Administrator would send out a violation notice to Mr. Turecki and request that he attend the July 18th meeting.

Cmmr. Kent recommended that Mr. Turecki be told to leave the site 'as is' and that he takes no further action until he meets with the Board.

Violation at 83 Alroy Street - Mr. John Daniels

Ms. Schloss reported a violation has taken place at 83 Alroy Street, noting that the property owner, Mr. Daniels had brought in piles of wood to the site. He told her that he was planning on adding a driveway. She explained to him with any alteration of this type in this area he would need to file a Request for Determination and come before the Conservation Commission. She further informed the members that some time ago she had received a complaint regarding fill being brought into this property. At this point it appears he is taking over use of the street with all his materials, fill and equipment. She also noted that she delineated the wetland.

Weymouth News Article

Members discussed a recent article in the Weymouth News regarding the need for public education on conservation matters, including the purpose/responsibilities of the Conservation Commission. She also felt that many residents were unclear on what a 'wetland' was and this should also be defined. It is hopeful this type of information can go on the website Cmmr. Coven is creating. She also felt it would be beneficial if they come up with ideas on how to educate the public - possibly through newspaper articles.

Sale of Town-Owned Land

Ms. Schloss reported there were a couple of town-owned lots that are being proposed for sale - and the Commission/Administrator are asked to comment on them - if they would be of interest to the Commission.

The two homes are located at: 11 Lindbergh and Holmes/Seabury Street (which has wetlands in the rear).

Housekeeping Business

Ms. Schloss told members that Anne Paradis, staff person in the office - has been going over the files checking to see if a Request for an Extension is in order.

CPC Designee

Cmmr. Gowen has agreed to continue serving as the Commission's representative on the Community Preservation Committee for one more year. In the future Ms. Schloss and Cmmr. Gowen will meet and discuss how the CPC might benefit conservation, with some input by the Commission.

Order of Conditions Explanation

Ms. Schloss recommended, for the future, the Chairman/Board take a moment at the close of a public hearing the applicant's responsibilities with regard to an Order of Conditions, highlighting such items as:

- recording it with the Norfolk County Land Court
- posting a DEP sign with their File Number
- abide and comply with all Conditions
- applying for an extension if necessary
- applying for a Certificate of Compliance

It was agreed that Ms. Schloss would prepare a small summary on the applicant's responsibilities re. the issuance of an Order of Conditions and that the Chairman would read it at the close of their hearing.

SCITUATE TOWN PLANNER

Ms. Schloss reminded members that the Scituate Town Planner would like to volunteer her services to the Town with either Conservation or Planning Dept. It was felt that she could possibly help with doing some research work re. docks and piers. She told members that she and Jim Clarke would be meeting with her next week to discuss how she might be able to help out.

MWRA UPDATE

Ms. Schloss told members that the MWRA is still looking for a project to comply with their mitigation requirement. She reminded members that they built a wetland mitigation area on land that was not theirs. She suggested that they could possibly rebuild a part of the beach.

Linking of Trails (Weymouth to Hingham)

Chairman Thompson asked about the status of the linking of trails between Hingham and Weymouth (between Abigail Adams Park and Great Esker Park) and Ms. Schloss said that about 45 people attended a recent meeting on this topic, including Sen. Hedlund and Rep. Murphy. They are hoping to start construction next year. She said she was expecting them to file an NOI within the next few months.

The July 18th, 2007, Meeting will be at 7:30 P. M., at Weymouth Town Hall.

Adjournment

Cmmr. Murphy moved to adjourn at 9:06 PM.

UNANIMOUSLY VOTED

Respectfully submitted,

Susan DeChristoforo
Recording Secretary

APPROVED: _____
Scott Coven, Clerk

DATE: _____