

WEYMOUTH CONSERVATION COMMISSION

Town Hall Chambers

July 16th, 2008 Meeting

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

ABSENT: Cmmr. Jeff Kent, Cmmr. Gerald Murphy

ALSO PRESENT: Conservation Administrator, Mary Ellen Schloss

Chairman Thompson called the July 16th, 2008 meeting of the Conservation Commission to order at 7:45 PM.

Chairman Thompson announced that they would take the Request for Determination re. 67 Northern Avenue out of order, with the expectation that Cmmr. Kent would arrive shortly and then he could participate in the Lake Shore Drive Hearing.

67 Northern Avenue - Hearing

Map 40, Bl 487, Lot 2

Request for Determination of Applicability

James and Paula Martell, applicants appeared before the Board.

Chairman Thompson explained that Mr. and Mrs. Martell were requesting to remove an existing deck on their home and replace it with a new 3-season room, 12' x 12' - and to add a new deck off the new room that would be supported by footings, with the applicant confirming this. The Chairman further commented that as far as he could see their proposal would have no affect on the wetlands. Additionally the work would be located within the outer riparian area of the Mill River (between 100' and 200').

Ms. Schloss essentially agreed, commenting that she saw the affect as minimal, but pointed out that the regulations required that a filing was in order due to the work-taking place in close proximity to the resource area. She recommended a negative 3 Determination.

Cmmr. Gowen moved to issue a Negative 3 Determination for 67 Northern Avenue.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

At this point Ms. Schloss took a moment to explain the balance of the process to the Martells.

Lake Shore Drive - Continued Hearing

DEP File #81-1042

Notice of Intent

As it appeared Cmmr. Kent would not be able to make the meeting, the Chairman proceeded with the Lake Shore Drive Hearing.

Cmmr. Gowen moved to open the continued hearing for Lake Shore Drive, DEP File 81-1042, Edward Jordan applicant.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

The applicant, Edward Jordan came before the Commission along with his representative Scott Arnold, PE. Mr. Arnold noted that this was a continued hearing and that he was back before them this evening with the recommended changes plus some additional information that was requested by the Commission. He said that they had improved the original plan and that he has also located the existing trees on the plan as requested.

Chairman Thompson asked if the large Oak tree would be removed.

Mr. Arnold replied that the one on the easterly side would have to be removed, but the others would remain.

Mr. Arnold went on to say that he has also provided pre and post drainage calculations, which showed no significant increase in runoff. He explained that the runoff from the drains would flow into dry wells, which had the capacity to handle a 10-year storm. He described the lot as sloping down to Mill River. He explained that the front yard would be graded to Lake Shore Drive with the runoff flowing into the storm drainage system.

Chairman Thompson thanked the applicant for addressing the outstanding items noted at the last hearing. He restated for the benefit of those present that the Wetlands Protection Act regulations require the Commission to allow for construction of a single family home on this lot, because this lot was 'grandfathered' in. He then read from the Performance Standards [310 CMR 10.58 (4) (d)] - which stated "If there is not a 100' wide area of undisturbed vegetation within the riverfront area, existing vegetative cover shall be preserved or extended to the maximum extent feasible to approximate 100' corridor of natural vegetation".

It was noted that there was also a concrete wall adjacent to the property/Mill River.

Chairman Thompson said he would like to see the applicant provide a small corridor of plantings along Lake Shore Drive/retaining wall.

Ms. Schloss spoke next, informing members that she met with wetland consultant, Brooke Monroe, Monday at the site. They spoke about the retaining wall along the river's edge and agreed that because of the wall, no further enhancement could be required there. It was also noted that the abutting island was vegetated. She said that the consultant recommended that the 25' natural planting area not be mowed and that she would like to see plantings composed of native shrubs/wild flowers/conservation mix. This would provide some habitat for the wildlife in the area - and would be in keeping with the spirit of the regulations. She discussed the specific plantings with Ms. Monroe and they both agreed on the following: 20 shrubs, some berry type bushes and some New England wild flower mix. She noted that the applicant Ed Jordan was present during part of their meeting.

Mr. Arnold told members that Brooke Monroe provided him with her recommended planting plan, and he in turn, included one with his updated plan that was based on her recommendations - adding that this plan was submitted today. He noted that the new plan shows the 25-ft. corridor/plantings with a time schedule as proposed by Brooke.

Chairman Thompson commented that he viewed the new plan as an enhancement to the site.

Cmmr. Coven referred to the drainage plan and the runoff that flows toward the street asking if it would be wise to have some of the runoff flow to the 'rear' of the house.

Mr. Arnold replied that he was speaking about just a small area; i. e., the driveway/front lawn, adding that some of it would be taken around to the back.

Chairman Thompson opened the hearing to the public.

Daniel Buchanan, 206 Lake Shore Drive was the first speaker, stating he had a number of concerns. The first being the two trees (a large Oak and a smaller tree) on the property line, which the applicant wants to take down. He told members that both of these trees are infested with ants and if they are taken 'where will they go', with the Chairman commenting 'hopefully away'.

Mr. Arnold told Mr. Buchanan that that the large tree has to come down, because it is a diseased tree.

Chairman Thompson asked about it being located on the property line.

Mr. Arnold replied that half of the tree was on the property line, adding if it comes down the cost would need to be split.

Ed Jordan interjected that he would gladly be responsible for taking it down.

Next Mr. Buchanan referred to the drainage, stating that there are no street drains on Lake Shore Drive and then asked if the Town would be putting curbing in. He next spoke about the proposed driveway and asked if it would be pitched toward Lake Shore Drive - and if so his property would get the runoff.

Chairman Thompson responded that the Commission has asked the applicant to install drywells to eliminate the runoff and they have agreed to do so - pointing out even though they are not required to do so. He explained that with drywells the runoff would be absorbed into the ground and would not go onto his property.

Mr. Buchanan told members that presently he has a sump pump for that very reason.

Chairman Thompson explained that a lot of things were permitted in the past. He then referred to Mr. Buchanan's house, commenting that it appeared the bottom of the house was at the same elevation as the Mill River.

Mr. Buchanan acknowledged this, adding that it wasn't a problem in the first few years he owned the property, but it is now. He said he wasn't sure how to resolve the problem because he was not an engineer.

Chairman Thompson suggested he consider adding a leaching pit, something he did on his property and it worked for him. He explained that it took the water away and he no longer has water in his basement.

Cmmr. Coven wanted to point out that the applicant's calculations/drainage report confirmed there would be no increase in runoff with their proposal.

Mr. Arnold added that there would be no increase in the whole lot 'overall'. He further explained that they were pitching a portion of the front yard to Lake Shore Drive, which presently is sloped to the rear. He went on to say that the rest of the roof runoff goes into the ground, with the rear continuing with the present flow pattern - again restating, there would be no increase.

Mr. Buchanan said he was concerned because there were no banks or curbs to direct the flow. He then noted that there was a storm drain in the road that abuts Lake Shore Drive.

Chairman Thompson emphasized to the applicant that they need to make sure their proposal does not exacerbate the neighbor's present problem.

Mr. Arnold told the Commission that he has not looked at Mr. Buchanan's house, but felt if they built up the grade behind the pavement to the shoulder it would keep the runoff on the street.

Chairman Thompson replied that would be fine.

Mr. Jordan told all present that if the problem could be rectified he would be happy to do it, pointing out that he has been working/building in the Town of Weymouth for 40 years and he cared very much about the Town. He commented "it is easier for me to satisfy my neighbors", adding that he offered to do this for Mr. Buchanan some time ago, but never heard back from him.

Chairman Thompson asked Mr. Jordan asked if he could grade the front of Mr. Buchanan's home too and Mr. Jordan replied 'yes'.

Ms. Schloss referred to the westerly side of the front yard, asking that the applicant make sure the grading comes down and around.

Mr. Arnold wanted to point out that the proposed grading shows a little mound along the property line, which is shown on their plan as swale - which is there to control the runoff.

Ms. Schloss suggested as an alternative plan the water could be dispersed in the yard, so that it wouldn't have to flow into the street.

Mr. Jordan commented that he could also minimally pitch the driveway.

Mr. Buchanan then asked about fencing and Mr. Jordan said they normally use caution tape while working, with Ms. Schloss asking if he could use the orange mesh material and Mr. Jordan replied 'fine'.

Mr. Buchanan then asked about the boundary line, stating that his Town of Weymouth plan shows it at 117 ft. - with Mr. Jordan's plan showing a different measurement - 122-ft.

Mr. Arnold explained that the 122-ft. is measured from the retaining wall, which was an approximate measure, as this plan is not a formal plan.

Mr. Jordan told the Commission that he would have the lot line staked.

The next speaker was Town Councilor Arthur Mathews. He suggested that the Commission could add to the Order of Conditions that the applicant install an asphalt berm to the water, which he felt would help direct the flow to the street drain - adding 'and it is not too expensive'.

Chairman Thompson interjected either 'asphalt or earthen' would do the job.

In response, Mr. Jordan said that the problem with the asphalt berm is when the area is plowed in the Winter.

Mr. Mathews commented that it could be designed so that the snowplows did not cause a problem.

Mr. Jordan told T C Mathews that he would like to first walk the property to see it, adding whatever Mr. Jordan does will be viewed as an improvement, with the Chairman commenting 'great!'

T C Mathews next referred to the design of the Storm Water Management Plan, commenting that it was not thought out back in the 40's-50's. He then asked if perc tests were done.

Chairman Thompson felt 'elevation' was the key.

Mr. Arnold pointed out that they were proposing a walkout basement, so there's would be elevated.

T C Mathews said that he would also like to see included in their Order of Conditions - that the proponent take advantage of the river while it's dry to clean up the 'Loosestrife'. He felt that this would help with facilitating the flow - adding this work could be done without using a machine.

Ms. Schloss interjected on Monday she was at the site and didn't see any purple Loosestrife, but saw instead good vegetation.

Chairman Thompson wanted to point out that they couldn't require the applicant to clean out the river, but might possibly 'request' it.

Mrs. Buchanan was the next speaker. She asked 'what if the next person that buys the house tears up the vegetation?'

The Chairman replied "they can't, because there is a 25 Ft. No Disturb Zone'.

Leeann ? of 215 Lake Shore Drive stated that her house is the corner lot, across from this one. She then put forth the following questions:

- what would happen to the 'low' telephone lines with the construction of this new home
- how the increase in runoff would affect her property
- the location of the new driveway

Ms. Schloss asked if the driveway/runoff would drain onto the grass and Mr. Arnold explained that the grading is somewhat pitched to the grass.

Ms. Schloss recommended the addition of conservation posts to be located 1 ft. above the ground stating 'Do Not Mow'.

Leeann ? then addressed the easement on the applicant's lot and if he would be maintaining the island.

Mr. Jordan informed her that the island is not his and that the Town has maintained it in the past but doesn't anymore.

Cmmr. Coven moved to close the public hearing for Lake Shore Drive/File 81-1042.

Cmmr. Gowen seconded.

UNANIMOUSLY VOTED

Lake Shore Drive

Ed Jordan/Applicant

DEP File #81-1042

Order of Conditions

Cmmr. Coven moved to issue a Standard Order of Conditions for DEP File 81-1042/Lake Shore Drive, plus the Specials as discussed which would include:

- Conservation posts noting a "No Mow Area"
- The addition of Drywells
- Planting of the No Disturb Area

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

30 Newcomb Terrace - Hearing

Map28, Bl 326, Lot 8

Request for Determination of Applicability

Paul and Mary Ann Silowan, applicants came before the Board.

Chairman Thompson noted that the pool was already on the property and the owners were here for finalization of the paperwork. He asked the applicants if things went well with the installation of the pool and they replied 'yes'.

Ms. Schloss told members that she made a site inspection of the property today and all was fine - with the location of the pool being outside of the No Disturb Zone. Additionally the landscaping would include wild flowers along with the existing vegetation. She was recommending a Negative 3 Determination.

Cmmr. Coven moved to issue a Negative 3 Determination for 30 Newcomb Terrace based on the recommendation of the Administrator.

Cmmr. Gowen seconded.

UNANIMOUSLY VOTED

595 Columbian Street - Hearing

VCA Animal Hospital

Map 40, Bl 480, Lots 5 & 6

DEP File #81-1043

Notice of Intent

Cmmr. Coven moved to open the public hearing for File 81-1043/595 Columbian Street.

Cmmr. Gowen seconded.

UNANIMOUSLY VOTED

Mr. Jim Burke, Civil Engineer for the DeCelle Group represented the applicant, VCA Animal Hospital. He said the facility was located on the Braintree/Weymouth town line, adding that the applicant has several of these facilities throughout the country. At this time plans are to demolish the existing 13,000-sq. ft. building and they would like to double the size and include an expanded parking area. In summary they are looking to upgrade this site.

Chairman Thompson noted that he visited the site with Cmmr. Kent, with Cmmr. Coven interjecting that he visited the site also.

Chairman Thompson asked if the building could be moved closer to the street, farther from the resource area.

Mr. Burke told him that its presently located in the middle of the required setback, explaining that they have been dealing with zoning issues that limit the location of the facility.

Chairman Thompson asked if they receive two tax bills and Mr. Burke replied that they did (Braintree and Weymouth), adding that he made his presentation in the Town of Braintree last night.

Mr. Burke went on to say that the closest resource area is 25 ft. He explained that their goal is to upgrade the slope, but pointed out that the slope was on Town property. They also showed additional plantings on the slope to improve the transition from the developed portion to the wetland. He explained that the vegetation started to take over and now they are proposing an underground detention basin as well. Additionally they performed test borings and found some glacial till, which he noted was not the best to recharge into. Further he explained the roof runoff goes into the retention basin. He wanted to point out that their plan was to have the maximum amount of recharge occur.

Mr. Burke went on to say that they are proposing a 12" invert pipe as well as rip rap. Further plans are to clean up the slope plus there would be drainage improvements.

Chairman Thompson asked if they would be getting rid of the knotweed and the response was 'yes'.

(At this point Mr. Burke submitted the certified mailing receipts to the abutters for the files).

Chairman Thompson explained to Mr. Burke that the members would need additional time to review the new information that they have just received, adding if plans were to expand the impervious surface they must make sure to meet the new standards. Based on that the Commission would be looking at peer review.

Mr. Burke acknowledged the Chairman's comments, replying that he was not in favor of peer review - and he anticipated that the potential fee for peer review would be about \$2,500/\$5,000. He felt because the property had such a healthy wetland he'd prefer to just throw in the money toward improvements.

Chairman Thompson commented that he found his alternative suggestion 'refreshing', but added he would first like to review the plans before making any decision.

Mr. Burke advised members that they went through the Zoning Board of Appeals process first and also sat down with Chip Fontaine/Engineer for the DPW. During their meeting he answered all Mr. Fontaine's questions and they have also been addressed and included in his new package. He informed the Board that they recharge 1,600 cu. ft. of water.

Ms. Schloss noted for the record that recharging 1600 cu. ft. was required.

Mr. Burke wanted members to know that they took the 'conservative' approach, which could be verified in their calculations. He further stated that if the Commission does decide to go with peer review that would be fine too, adding that the project stands on its own.

Cmmr. Gowen asked if they had included an Operation and Maintenance Plan and Mr. Burke responded, yes, adding it had been revised.

Ms. Schloss told the applicant and Board that she would like to sit down with Chip Fontaine before the next hearing.

Mr. Burke told her that their ZBA hearing has been closed and they approved the project, although they will be returning to discuss the point of discharge.

Ms. Schloss noted that Mr. Fontaine had questions regarding the storm drainage system and if he is okay with their plan, then she would not request peer review. At this point she saw good improvements with the new plan. She noted that Mr. Burke had pulled back the encroachment into the no-disturb zone.

Mr. Burke confirmed this, adding the alterations were made based on his meeting with her - specifying that he got rid of the additional fill and the retaining wall.

Ms. Schloss further noted that she didn't see an Order of Conditions in the files re. previous work. She felt this was all the more reason for requiring restoration, adding that she also saw some encroachment. She asked if the plan had been developed by a wetland scientist and Mr. Burke replied 'no, but I can have one review it'. She suggested that the Board might want to see the restoration work implemented under the supervision of a wetland scientist.

Mr. Burke told members that he has used this design in the past, adding it's sized to accommodate the slope - and is very conservative.

In closing Ms. Schloss reiterated that before making any other comments, she would first like to discuss the project with Chip Fontaine.

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

Cmmr. Coven moved to continue the public hearing for the VCA Animal Hospital, File 81-1043 to August 13, 2008.

Cmmr. Gowen seconded.

UNANIMOUSLY VOTED

Mr. Burke stated that he would like to get going as soon as possible, asking if there was a possibility of having a 'draft' Order of Conditions?

Ms. Schloss responded that they could possibly do that at the next meeting.

36 King's Cove Way

File 81-902

Request for Extension to Orders of Conditions

Cmmr. Gowen moved to issue a one-year extension re. the Order of Conditions for DEP File 81-902, based on the Administrator's recommendation.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Other Business

169 Randolph Street

Mr. John Elliffe came before the Board.

Chairman Thompson explained that Mr. Elliffe would like to pour some footings to shore up sections of the house located at 169 Randolph Street and that Bill Woodward was acting as his consultant. He also noted that Mr. Woodward was not available this evening due to a family health issue. He commented that he didn't see a problem with the proposed footings, but told Mr. Elliffe that first he would need to file a Request for Determination - adding that the Administrator could help him with that.

It was noted that the footings would be 'sonotubes' and would be installed by hand.

Ms. Schloss also wanted to point out that the work was taking place within the River Front area, which according to the regulations, require a Notice of Intent. She stated that she has spoken with DEP and found out that the Commission has some discretion in this area and could allow an R F D. She explained that Mr. Eliffe's outstanding Enforcement Order and the plantings could be dealt with separately.

Old Business

75 Aster Circle

Mr. Al Trakimas came before the Board, representing the applicant, Ryder Development. He explained that 75 Aster Circle was part of the Tirrell Woods project and the structure at 75 Aster Circle is actually the old Nash House, which is now being sold 'as is'. He further explained that the house is located on a septic system, which did not pass Title 5 Inspection and it is located approximately 30 ft. from the resource area. He said that it would be too difficult to repair, so they have decided to replace it with an ejector pump to be located just before the septic tank. Plans are also to install a $\frac{1}{4}$ " force main along the driveway and cut a 1 ft. trench in order to get the force main up to Aster Circle. At this point he wanted to ask the Commissioners what level of oversight they would be comfortable with. He said that there is a small area, which will have a silt fence. In explaining the process he said that plans are to go down more than 4 ft. where they will drop in the $\frac{1}{4}$ " line. He further explained that the pump works like a garbage disposal and that they would be using an "E1" system. Plans are to pump out 5 ft. or so.

Chairman Thompson said with the proper procedure in place they could possibly permit it.

Mr. Trakimas told members that the wetland has been delineated, reminding members that they are already before us - and at this point he is hoping they could accomplish this work with a Request for Determination including conditions.

Chairman Thompson asked Ms. Schloss if she was comfortable with Mr. Trakimas' proposal.

Ms. Schloss replied based on her past experience with the applicant, I think so.

Mr. Trakimas informed members that plans also include digging a utility trench.

Ms. Schloss informed the Commission that this request would not require a 10-day waiting period or filing of state fees. She then asked if there would be dewatering and Mr. Trakimas replied 'no'.

Ms. Schloss asked that he immediately notify the abutters and he agreed to do so.

Mr. Trakimas told the Administrator he would have the necessary paperwork to her by 7/29/08 in order to go on the 8/13/08 agenda.

219 Sheri Lane

DEP File 81-659

Request for Certificate of Compliance

Ms. Schloss reported this request as essentially a housekeeping matter, that although all the work had been done in compliance with the Order of Conditions, a Certificate of Compliance was never issued and one was in order. She added that she received a letter from Shawn Hardy making this request. She further stated that the addition at Sheri Lane never went through the Commission, but she felt all was okay, although she had some minor issues with the current application.

Cmmr. Coven moved to issue a Certificate of Compliance from DEP File 81-659/219 Sheri Lane based on the recommendation of the Administrator.

Cmmr. Gowen seconded.

UNANIMOUSLY VOTED

DEP File #81-211**106 Finnell Drive****Request for Certificate of Compliance**

Ms. Schloss reported that this project goes back to the dumping of illegal fill - and before she approved the Certificate of Compliance she would first like to speak with Chuck Katuska, who was Weymouth's Administrator at the time this Order of Conditions was issued.

It was agreed that this request would be addressed again at the August 13, 2008 meeting.

DEP File 81-252**106 Finnell Drive****Request for a Certificate of Compliance**

Ms. Schloss informed members that this was also part of the Finnell project and involved industrial buildings on Finnell Drive. She planned on sending a letter to the applicant in regard to discussions with the former Administrator, Charles Katuska and requested that they address this matter again on 8/13/08. Members agreed.

Conservation Report

1) **Coastal Pollution Remediation Grant** - Ms. Schloss reported that she was working with the consultant on this and that there are three projects going to final design. She would like them to get the sediment out of Back River. At this point she said she had six (6) projects that might be feasible, adding she hoped to have three projects for their approval, which would qualify for the 75% funding.

2) Ms. Schloss told members about another study funded by Conoco-Phillips costing \$20,000 - the work is scheduled to begin next week re. the **Back River Ecological Survey**.

3) **Legion Field Update** - Ms. Schloss informed members that the DEP and the DPW met regarding the violation at Legion Field. She said the violation was cited, because the replication was not built in the time allotted. At this point they need to build a replication area, adding this took place due to a DEP Superceding Order of Conditions.

4) Re. the Town's water restriction - Members discussed the best use of water - fish or lawns?? Chairman Thompson supported fish over lawns, but felt the decision would be best served if they first began by discussing the value of each - and that it would be useful for the Town to discuss the potential need for water restrictions.

Adjournment

Cmmr. Coven moved to adjourn at 9:41 PM and to meet again on August 13th, 2008 at 7:30 P. M. at the Weymouth Town Hall/Town Council Chambers.

Cmmr. Gowen seconded.

UNANIMOUSLY VOTED

Respectfully submitted,

Susan DeChristoforo
Recording Secretary

APPROVED: _____

Scott Coven, Clerk

DATE: _____