

**WEYMOUTH CONSERVATION COMMISSION
AUGUST 12TH, 2009 MEETING**

PRESENT: David Chandler, Acting Chairman; Diane Oliverio, Acting Commissioner; George Loring, Acting Commissioner, Commissioner Adrienne Gowen and Acting Cmmr. Steve DeDe Gabriel

ALSO PRESENT: MaryEllen Schloss/Conservation Administrator

Acting Chairman Cmmr. Chandler called the August 12th, 2009 meeting to order at 7:35 PM.

Cmmr. Chandler took a moment to introduce the new Commission to those present. He explained that, with the exception of Cmmr. Gowen, they were all appointed by the Mayor on an emergency basis due to the unexpected resignation by (4) of the members. Their goal was to assist with the approval of ongoing projects. He then asked each of the members to tell a little bit about themselves.

Cmmr. Steve DeDe Gabriel spoke first. He stated that he has been an employee of the Mass. Dept. of Environmental Protection for 35 years which has given him experience and knowledge about the environment. He also has a Bachelor's Degree in Biology and a Masters Degree in Environmental Engineering and Education.

Cmmr. George Loring spoke next, informing those present that he is presently the Herring Run Warden for the Town of Weymouth and has also served as a Conservation Commissioner in the past. Additionally he is the Massachusetts's representative to the Atlantic Marine Fish Division.

Next was Cmmr. Adrienne Gowen - who has been serving on the Commission for a number of years. She took a moment to inform those present to utilize the services of the Conservation Administrator MaryEllen Schloss, who was very helpful and knowledgeable about all conservation issues as well as the local ordinance and state regulations.

Cmmr. Diane Oliverio informed those present that she has also served in the post as Conservation Commissioner for almost (7) years. She realized that the rules/regulations might have changed a little since she left, but assured the residents that she would do her best to serve the Town to the best of her ability. Further she has served on the Waterfront Committee as well as the School Committee.

Acting Chairman Cmmr. Chandler stated that he had been a Commissioner in the recent past for almost three years, served as a member of the Board of Selectmen for (6) years, was a Town Meeting member for (15) years and has served on a variety of other Committees and Boards in the Town. He went on to explain that although there were hearings before them this evening that had been before the previous Board, the current members have read the past minutes and listened to tapes to bring them up to date.

Minutes: June 10, 2009, June 24, 2009, July 23, 2009 for Review and Approval

Cmmr. Gowen moved to table the minutes to the close of the meeting.

Cmmr. Oliverio seconded.

UNANIMOUSLY VOTED

1420 Main Street

Bruce Richards, Applicant

Continued Violation Hearing

Ms. Schloss took a moment to distribute pictures of the site taken in 1998 and 2008.

Mr. Bruce Richards, owner of the property came before the Board.

Ms. Schloss explained that she had followed up on a complaint regarding a wetland violation and noted that the photographs showed unauthorized work that had taken place at the site. The pictures showed a bike track, created by Mr.

Richards that encroached on a 'no-disturb' area - along with unauthorized fill. She said she identified (5) of these locations when she met with Mr. Richards. The subject areas included woody debris, which she felt could be pulled back - depending on the Commission's comments. She pointed out that 'industrial' property, based on the local ordinance, requires a 50 ft. setback. She recommended that the owner hire an environmental consultant and he said he didn't have the money and requested her guidance in assisting him to come into compliance.

Mr. Richards stated that he originally relocated the soil to create hills and jumps for his sons and their dirt bikes, emphasizing that he did not bring in any fill. He added that he did this when the train station was redone.

Cmmr. Chandler asked if the soil was clean and Mr. Richards responded 'yes', adding it was from the "Shell" gas station and it was clean.

Cmmr. Oliverio said she would like to visit the site and walk it with him, with Mr. Richards responding 'good idea'.

Cmmr. Chandler was supportive of this.

It was agreed that Cmmr. Loring would also walk the site with Cmmr. Oliverio and Mr. Richards.

Ms. Schloss offered to set up the meeting.

Mr. Richards invited them to come whenever it was convenient for them.

Cmmr. Loring moved to continue the meeting for 1420 Main Street to September 9, 2009.

Cmmr. Oliverio seconded.

UNANIMOUSLY VOTED

56 Revere Road - Hearing

Request for Determination of Applicability

William Brothers

Map 26, Bl 345, Lot 1

Mr. William Brothers came before the Commission and submitted the certified mailing receipts to the Administrator.

Cmmr. Loring moved to open the hearing for a Request for Determination re. 56 Revere Road.

Cmmr. Gowen seconded.

UNANIMOUSLY VOTED

Mr. Brothers explained that he was proposing to construct a second story addition to his home located at 56 Revere Road. He said he would need to install Sona Tubes and pour cement to accomplish this. He described the first floor as being elevated on Sona tubes, explaining that you could walk underneath it.

Cmmr. Chandler reviewed the plan and asked if he would be adding a big addition to the rear of the house and Mr. Brothers replied 'yes', adding it would be a small addition on one-side and a big addition to the back.

Cmmr. Brothers asked if work would take place within the buffer zone and Mr. Richards said that it would.

Cmmr. Chandler then asked about the distance to the wetland.

Mr. Brothers said that the main house was located within the 100 ft. buffer, but the front addition was not in the buffer.

Ms. Schloss told members that there was no wetland there and that the closest resource area was the top of the bank - with 57 ft. being the closest from the resource area (top of the bank/pond) to the corner of the bank, adding that the shed/deck are closer to the water. She noted that the addition would be on Sona tube footings. At this point she didn't see much of an impact.

Cmmr. Oliverio asked about runoff and the use of erosion controls.

The Administrator replied they would be in place during construction, noting that this info was noted on the plan. She said the runoff would increase with the impervious surface and that it would be important to keep the area vegetated. She commented that there was nothing proposed for absorbing the runoff but as long as it was vegetated it would be fine with her. She told members that she would be proposing use of haybales or a silt fence, adding that one or the other should be adequate.

Lastly, Ms. Schloss told members she would be okay with a Negative 3 Determination with Conditions that would include:

- the applicant follow the plan
- install erosion controls
- notify the office prior to the beginning of construction

Cmmr. Gowen moved a Negative 3 Determination with conditions for 56 Revere Road as recommended and noted by the Administrator.

Cmmr. Oliverio seconded.

UNANIMOUSLY VOTED

90 Libbey Industrial Parkway – Public Hearing

Notice of Intent

Jason Ward, Foxrock Properties LLC

Map 33, Bl 433, Lot 4

DEP File #81-1064

Cmmr. Oliverio moved to open the hearing for File 81-1064, 90 Libbey Parkway, Jason Ward/Foxrock Properties.

Cmmr. Loring seconded.

UNANIMOUSLY VOTED

Atty. David Kelly, Shawn Hardy/PE and Steve Ivas/Botanist, representing the applicant Jason Ward/Foxrock Properties, came before the Board.

Atty. Kelly informed members that the applicant acquired the property in July of 2005 and had been before the Zoning Board of Appeals for a Variance re. Medical Use Park. He noted that this parcel was originally zoned as an Industrial Area in 1988 – but the area is now moving toward medical usage. Their intent is to convert the use from a warehouse to medical office space and in doing so they are requesting expansion of the parking area in a buffer zone. He added that they would need additional relief from the ZBA.

Mr. Hardy/Project Engineer was the next speaker, informing members that the area is currently 'mixed use'. He reiterated that the applicant would like to change the use and increase parking by 150 spaces within the present footprint. Further, in order to create the parking area and increased number of parking spaces they are requesting to fill 4,800 sq. ft. of wetland. He noted that Mr. Ivas flagged the wetland line and Ms. Schloss walked the area with him. He described it as a low-quality wetland. He also noted that the easement on the property is owned by the Town. Their proposal includes replication of 11,000 sq. ft. in an area closer to Whortleberry Pond. He said that utilities exist and there are storm water controls and catch basins out there – and the retention basin serves most of Performance Drive.

Mr. Hardy went on to say that he did some investigation of the detention pond and felt that something didn't seem right, which he saw as a lack of maintenance. In February he was confident that he found all of the ins/outs of the Pond – but last week he discovered one more outlet buried on Performance Drive. He found that even after exposing the pipe, it filled back in again. Plans are to include a perpetual maintenance plan to eliminate problems like this in the future. He emphasized that the new owner was committed to maintain the property and has proposed substantial landscaping improvements, adding that he also made commitments to make these changes with the neighbors.

Cmmr. Chandler asked who owned the parking lot across Performance Drive and Jason Ward responded 'Camponelli'.

Mr. Hardy added that Camponelli actually owned substantial property on Performance Drive.

Cmmr. Chandler commented that he saw a lot of parking spaces there that were not being utilized.

Mr. Hardy told him that the new proposed use would be primarily medical use, adding that the present 'industrial' tenant would be leaving.

Cmmr. Chandler asked why they wouldn't make a deal with Campanelli regarding use of their parking lot.

Mr. Ward told him that when they bought the building, Sagamore Plumbing had 35,000 sq. ft. with 20,000 sq. ft. going for medical use/tenants. They're adding 20,000 sq. ft. Further he noted that a new medical family practice is opening next Wednesday (8/19/09) and they have 30 employees on staff plus their patients. Taking that into consideration the present parking lot would be substantially full. In regard to asking Campanelli about use of their parking spaces, they approached them but were told they have long term development plans so they would be keeping their parking area.

Mr. Hardy commented if they allowed Foxrock Properties to take theirs, then they would have to go back to Zoning.

Cmmr. Oliverio said she was concerned about the two dumpsters in the area and Mr. Ward told her that Sagamore Plumbing uses them.

Cmmr. Chandler commented "it's taking up (4) parking spaces".

Mr. Hardy stated that Mr. Ward planned on holding informational meetings with the neighbors.

Mr. Ward wanted to clarify that his intent was to make the property better for all concerned; i. e., themselves, the abutters and Conservation.

Cmmr. De Gabriel asked if the storm water from both parking lots flow directly to the detention basin.

Mr. Hardy explained how the system worked and confirmed that the detention basin had sufficient capacity to handle all runoff. He noted the size of the basin was 150' x 10' deep.

Cmmr. De Gabriel asked about a Maintenance Plan and Mr. Hardy told him that it has been submitted, adding it states, in part, that catch basins will be cleaned twice a year including the parking lot.

Cmmr. Gowen asked that the Administrator be given up copy of the Maintenance Plan and Mr. Hardy said he would be happy to do so and it would be ready when she wants to see it, adding that possibly in the future they could be required for larger projects.

Mr. Hardy suggested that these records be kept for (5) years. He informed members that the outlet at the headwall is located perpendicular to Performance Drive and eventually the runoff flows back into Old Swamp River.

Ms. Schloss confirmed that the outflow from the detention basin flows to Old Swamp River, noting that treatment of the first 1" is required and Mr. Hardy acknowledged this.

Ms. Schloss asked about the backup/calculations re. the size of the basin and Mr. Hardy confirmed he could supply this.

Mr. Hardy further informed members that over the years another 1" of sediment have been added to the basin and this would be removed.

Ms. Schloss suggested that Mr. Hardy work with Steve Ivas to decide on how it can be maintained - in regard to the outflow, and commented it's below the inflow.

Mr. Hardy told her there were (2) catch basins on Performance Drive.

Ms. Schloss asked if he could take care of that. She wanted to know if he knew who owned it and was responsible for maintaining it.

Mr. Ward told her it was Campanelli, but he couldn't find this information documented, so the applicant offered to pursue it. He wanted to point out that the Foxrock Properties was actually going one step beyond what is required in agreeing to be responsible for this work.

Cmmr. Chandler asked who originally built it and Mr. Ward replied that the plan, which showed the proposed detention pond, was dated 1987 and drawn up by Sigma.

Cmmr. Gowen asked if it conformed to what was there now and Mr. Hardy said he was referring to the size and shape.

Ms. Schloss asked again whose plan it was and Mr. Hardy restated it was Sigma and entitled 'Libbey Parkway', adding it had been forwarded to the applicant by the Town Engineer.

Cmmr. Oliverio asked who owned the land to the north and east and was told 'Michael Flibotte'.

Cmmr. Chandler asked if that was who was responsible for the detention pond and Mr. Hardy told him he was not clear about that, adding that he provided an easement to allow the new owners access.

Mr. Ward commented that whomever was responsible fell down on the job - they discovered this when they started the job.

Mr. Ivas explained that the easement runs with the land, that the title includes the easement - and they have legal title to use it for drainage purposes. He commented that he felt the prior owner should have been maintaining it.

Mr. Hardy reiterated that he researched this and could not find the name of the person responsible for maintenance.

Re. Infiltration, Ms. Schloss said that the storm water standards require infiltration to treat additional impervious surface.

Mr. Hardy said there is 25,000 sq. ft. on site, with Ms. Schloss commenting 'it will be based on soils'.

Mr. Hardy noted that Steve Ivas did a small excavation - and emphasized that the sheer size and gravel pit which are based on his figures are more than adequate.

Ms. Schloss told the applicant that she would need some numbers to validate that the detention basin can accommodate it. Additionally, she noted, that part of the parking lot does not drain to the detention basin and she would need additional information on this. She told members that the applicant came into the office for a pre-construction conference and she asked him why they weren't using the upland for parking.

Mr. Hardy told members it was because of the large number of spaces that they needed - and that configuring it would require a larger impervious surface to get the same number of spaces. With this proposal they are maximizing the number of spaces within this plan.

Ms. Schloss asked if he could supply that info for comparison purposes and Mr. Hardy replied 'no', but it took me a very long time to come up with this plan, adding he found it to be the best plan possible providing the least amount of impact to the resource area.

Mr. Ivas then addressed the area to be filled, stating it was scraped 20-30 years ago, adding 'we have some invaders in there'. Additionally he found a red maple swamp (a vital swamp area) that they would like to recreate. He noted that the area to be filled is a border line area. In closing, he emphasized the Town would benefit by the quality. He went on to say that if you go out there and look at it, you will find that the comparison is quite dramatic.

Ms. Schloss asked if the area was staked; adding if not, please do so by the next meeting. She noticed that there was encroachment in the 50 ft. area and asked, is what you have what's there and Mr. Hardy replied 'yes'.

Ms. Schloss recapped what she would like to see by the next meeting:

- information on the detention basin
- calculations showing the basin's capacity in relations to the 1" storm
- an extra set of plans for Cmmr. Steve DeDe Gabriel

Mr. Hardy interjected that he had already provided this information.

Cmmr. De Gabriel noted that he would like some documentation demonstrating why they couldn't build in the upland area, even a statement of some sort would do; i. e., it wasn't feasible to work in the upland area because they would need to increase the impervious area.

Cmmr. Chandler referred to the existing large rock located around the edge of the property, and asked if they would be keeping them.

Mr. Hardy told him they were going to keep this area essentially the same.

Cmmr. Chandler was concerned with the Cape Cod berm, stating that he felt they were easily damaged and when this happens it allows for the runoff to flow into the resource area.

Jason Ward agreed to get a price for concrete vs. a granite curb for replacement.

The hearing was opened to the public.

Jim Cassidy, 60 Dixon St. told members that he previously met with the applicant who agreed to install fencing/landscaping.

Cmmr. De Gabriel moved to continue the public hearing for 90 Industrial Parkway, Jason Ward/Foxrock Properties to September 9, 2009.

Cmmr. Oliverio seconded.

UNANIMOUSLY VOTED

OTHER BUSINESS -

John Clancy Violation - 431 Union Street

Ms. Schloss requested that this violation update be taken out of order and the Chairman agreed to do so.

Cmmr. Oliverio moved to take the Clancy Enforcement Order out of order.

Cmmr. Loring seconded.

UNANIMOUSLY VOTED

File Note: Mr. Clancy had been issued two (2) Enforcement Orders - one on 8/29/2008 and the second one on 12/18/2008, with his last appearance before the Commission on 12/18/2008.

Ms. Schloss informed members that Mr. Clancy was issued an Enforcement Order because of unauthorized work that took place within a stream. She received a report from his environmental consultant then made a site inspection - and received confirmation from Mr. Clancy that the required correction work had been done. At this point she was recommending a letter be sent to Mr. Clancy confirming that the work has been done in accordance with the Restoration Plan /Enforcement Order(s), that no further monitoring would be required and that the work had been performed in a timely manner.

Cmmr. Oliverio moved to send a letter to John Clancy, as recommended by Ms. Schloss, denoting his compliance and stating that all conditions have been met in a timely manner.

Cmmr. Loring seconded.

UNANIMOUSLY

234 King Philip Street

Public Hearing, Notice of Intent

Roy V Nelson & Sons
Map 48, Bl 508, Lot 10
DEP File #81-1055

Ms. Schloss took a moment to inform the Commission that due to the change in Commission members, the applicant was required to re-notify the abutters about the hearing - adding that the applicant will retain the same file number.

Cmmr. Gowen moved to open the public hearing for 234 King Phillip Street, File 81-1055.

Cmmr. Loring seconded.

UNANIMOUSLY VOTED

Atty. Mathew Watsky, representing the applicant, came before the Board. He told members that Rod Gaskell performed the wetland delineation/site work and Al Trakimas, PE/Sitec did the design work. He also noted that the applicant Brian Nelson was not able to be present this evening. He updated members by explaining that this project, which originally came before the Commission in February, has gone through quite a process and many hearings. He wanted to point out that they basically completed their public hearing with the past Commission with the Administrator was satisfied with what had been submitted - and since that time (the past few weeks) they lost a quorum of those Commission members who participated in the public hearing process.

Cmmr. Chandler told the applicant that the present members have read the minutes and visited the site. He noted that they had originally proposed to construct a concrete deck over the wetland, then over the easement/sewerage, commenting 'the DPW agreed to that'. His questioned the applicant constructing an asphalt driveway over the easement, asking - if there is a problem then the Town would be responsible for removing the driveway and then restoring it?

Atty. Watsky explained that the applicant originally planned to stay away from the easement and alterations under 5,000 sq. ft. - but the Administrator and past Commissioners recommended they shift the alignment. Based on their comments they revised their plan and shifted the alignment - because the area had already been filled. With regard to the easement, he explained that the Town has the right to go in and maintain it, but the owner of the property is allowed to use it which is a perfectly acceptable practice. He went on to say that if the Town needed to go in, 'yes' it is their responsibility to restore the surface to its original condition - and 'yes' they would have to patch the asphalt and repair it.

Cmmr. Chandler stated that she made a site visit with the Administrator and asked about the 18" imbedded pipe and the 7" culvert.

Atty. Watsky noted that the Administrator felt they should be bigger, with this information passed on to the applicant. He explained that there were imbedded pipes used to promote wildlife passage. He added if you want them to increase the size to 24" that would be fine too.

Cmmr. Chandler commented that once they start backing up, it becomes a problem.

Atty. Watsky stated there was an existing 10" pipe out there, which was a big concern for the neighbors, so they changed it to an open swale eliminating the current constriction in the flow. He felt the 18" culvert was not really necessary in terms of peak flow, clarifying it serves as an equalizer pipe. Further in addressing members' concerns, he suggested they could include a special condition stating that the open swale must be maintained, making sure the culverts are not the source of the problem. He went on to say that if it's a big concern they could include a condition requiring they change the size of the culvert from 18" to 24".

Cmmr. Chandler asked if there were any calculations re. the amount of runoff from the house to the road and Mr. Gaskell replied 'no'.

Ms. Schloss explained that a single family home is exempt from the Storm Water Management Standards. She commented that it would be nice to have some infiltration/recharge there as it's a helpful form of mitigation.

Cmmr. Chandler asked about the length of the driveway and Mr. Trakimas told him it was about 400 ft. - this allows them to get across the wetlands.

In response to Cmmr. Chandler's question about the length of the driveway, Atty. Watsky informed him there was no regulation re. the 'maximum' length of a driveway.

Mr. Gaskell told the members that the driveway was 12 ft. wide.

Ms. Schloss asked Mr. Trakimas what part of the 11,755 sq. ft. of fill was temporary, commenting she could not identify it.

Mr. Trakimas told her it was located at the crossing area, allowing for the addition of the boxed culvert/24" culvert pipe, noting that 1,000 sq. ft. is the actual 'temporary' figure. Ms. Schloss further informed the applicant that the Local Wetland Ordinance fee is required/due and it is in the amount of \$2,641 - but wanted to clarify that this amount has been revised and now will include an additional \$1,178 (or a total of \$3,819). She explained that the additional amount is based on the amount of wetland disturbed, filling and work in the buffer zone. She said that she estimated the new figure based on 11,000 sq. ft.

Ms. Schloss went on to say that she has drafted some special conditions, commenting that she saw this as a hybrid project.

The hearing was opened to the public.

Mr. Fred Schultz, 71 Reservoir Run questioned the size of the culvert, noting that his property abuts the backyard. He told members that in the past couple of years his property has gotten gradually wetter and he was concerned with this new work having a direct affect on an increase in runoff.

Mr. Gaskell said he felt the developer has alleviated this problem, adding that this information is in their 4/14/09 supplemental report. He further stated that essentially the system needed to be opened up and should strike a balance, maintaining surface of the red maple swamp. By removing it they would reduce the high water level by 1 ft.

In response to a question from the Administrator, the applicant agreed to a waiver in regard to the maximum of 21 days allowed for the Commission to issue an Order of Conditions, requested by the Board.

Mr. DeDe Gabriel moved to close the public hearing for 234 King Phillip Street, File 81-1055/Brian Nelson applicant. Cmmr. Loring seconded.

UNANIMOUSLY VOTED

944 Middle Street

Public Hearing, Notice of Intent

David Rossborough, Planet Fitness

Map 33, Bl 432, Lot 1

DEP File #81-1062

Cmmr. Loring moved to open the public hearing for 944 Middle Street, File 81-1062.

Cmmr. Gowen seconded.

UNANIMOUSLY VOTED

Mr. Tom Adams/Lessee for Planet Fitness and his representative Mr. Paul Tyrell, PE from Gale Engineering came before the Board.

In response to Cmmr. Chandler question, Ms. Schloss confirmed to the Board that the abutters had been notified.

Mr. Tyrell addressed the Board informing members that he has invested \$1 million dollars in the Planet Fitness facility and equipment - located at 944 Middle Street. At this point he realizes that their parking lot needs work in order to keep present membership and to encourage growth. Wetland delineation has been performed for the purpose of increasing the size of the parking lot by 20 spaces. He assured members that no fill would be brought in, adding there is proposed work in the buffer zone. He stated that he and Mr. Tyrell have communicated with the Administrator and based on her comments they have resubmitted a new and revised plan/drawing. He acknowledged that presently there was some serious disrepair in the parking lot - additionally they have also discovered that there was an open Order of Conditions. Their

plans also call for repairing the guard rail. They are also planning to address parking needs for the handicapped in reference to the replication area.

Mr. Tyrell went on to say that he would like to continue the slope to the south, replace the guard rail and add 20 spaces. The plan also calls for treating the impervious surface with a water quality structure. Also TSS (total suspended solids) removal will increase from 25% to 85% - and they will be providing 1,638 cu. ft. in storm water recharge. The present outlet is showing sediment discharge. Further work would include a cement block retaining wall which, he pointed out, would benefit the area.

Cmmr. Oliverio said she would like to see problem issues corrected before moving forward.

Mr. Tyrell responded that the project is in compliance although the property is not. He told members that the new Lessee is committed to improving all situations. He stated that they had a certified wetland specialist review the wetland line, commenting that it has been over 16 years since the original work was done. He noted that the area was loaded with invasive species right now, adding he didn't know if the original work was done properly. At this point the plan is to take the existing grade and push it out gradually and level it.

Cmmr. Gowen suggested the addition of trash barrels.

Mr. Tyrell stated that the applicant is a victim of illegal dumping and they were hoping to eliminate the potential for that happening again in the future. He immediately agreed to the addition of trash barrels.

Cmmr. DeDe Gabriel supported the proposed work re. the retention wall and guard rail, but wanted to know about a fence.

Mr. Adams replied that they spoke about adding a gate.

Mr. Tyrell said they might add a fence along the top of the retaining wall.

Cmmr. Chandler asked about them making the wall taller and eliminating the guard rail and Mr. Tyrell responded that what they were proposing was a cement block wall (poured concrete), which he felt was effective as well as economical.

Cmmr. Chandler recommended adding a 6'-7' fence behind the guard rail, which he felt would also solve the problem of illegal dumping and the blowing of trash. He then asked how they would control the sand in the winter from entering the catch basin and going into the wetland.

Mr. Tyrell replied 'very simple'; they would be including a deep sump catch basin/sub surface detention. He wanted to point out that the water quality enhancement should be substantial.

When asked about the hours of operation, Mr. Adams said they were 5 AM to 11 PM. He added that the past winter they had a terrible problem with the sand due to the extreme weather conditions.

Mr. Tyrell told members that it was a \$250,000 investment they were making essentially for the addition of 20 parking spaces, and based on this sizable investment they would be sure to maintain it.

Cmmr. Chandler then asked about a chain link fence and Mr. Tyrell said that they could include the addition of a 6 ft. chain link fence in the Conditions.

Mr. Adams told members that presently there is no place to store snow in the winter because of the limited parking facilities.

Ms. Schloss stated that she just received the new plan yesterday (9/11/09) and she would need additional time to review it.

Mr. Tyrell again acknowledged that he would be supplying an extra set of plans for new member Steve DeDe Gabriel. He said that the revised plan, in part, addressed most of the Administrator's comments/concerns - but quickly wanted to point out that the change to the drawing(s) was not significant.

Ms. Schloss pointed out that they would need a Certificate of Compliance for the original project and she would like that to be addressed first, before any approvals for this proposal.

Mr. Tyrell stated that he, as the professional engineer, will submit a letter confirming the past project is in compliance along with the drawings.

Ms. Schloss asked if both could be done prior to the next hearing date, adding that she would like to take another look at the wetland line. She commented that she saw a difference of 30 ft. between the old and the new.

Mr. Tyrell replied that he would accept that as a Condition.

Ms. Schloss went on to say that he felt some areas were depressed and might hold water so she would like to take another look. She then referred to the request for a Waiver.

Mr. Tyrell wanted Ms. Schloss/Commissioners to know that he would stand behind his wetland line.

Ms. Schloss said she also had some questions re. additional improvements.

Mr. Tyrell assured members that they would be cleaning it all up, removing sediment as well as invasives - and lastly would have erosion controls in place.

Mr. Tyrell agreed to have the owner sign the appropriate forms requested by the Administrator and he would submit it tomorrow (8/13/09).

Mr. Adams again addressed cleaning up the exterior area, informing members that they presently have (2) barrels and staff assigned to clean the parking lot.

Mr. Tyrell wanted to add that they would be increasing the number of barrels from 2 to 3.

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

Ms. Schloss noted for the record that she received one comment from a resident/abutter of Tara Gardens (across from the gym) and he was opposed to the project.

Cmmr. Oliverio moved to continue the hearing for 944 Middle Street/Planet Fitness to 9/9/09.

Cmmr. Loring seconded.

UNANIMOUSLY VOTED

The applicant agreed that he would be submitting the necessary information re. the Certificate of Compliance in time for the 9/9/09 meeting also.

MWRA Applicant

Kings Cove Beach Rd, Everett Place, Rosalind Road - Hearing

Request for Determination of Applicability

Cmmr. Gowen moved to open the hearing for MWRA/King Coves Beach Road/Everett Place and Rosalind Road.

Cmmr. Loring seconded.

UNANIMOUSLY VOTED

Mr. Edward Carpman/Project Manager for MWRA (Mass. Water Resource Authority) and Lisa Pietro came before the Board representing the applicant. He told members that the MWRA's proposal was to rehab 2,225 ft. of sewer interceptor in North Weymouth (which extends from Fore River across King Cove Beach Road to Babcock Ave., then under

Everett Place, down Rt. 3A and ending at Rosalind Road) for the reconstruction of an existing sewer. They need to bypass the sewer flow and continue across Evans Street - terminating at Aspinwall Avenue. He informed members that the present system was built in 1933 and is a 50' x 57" major interceptor. He noted that in 1940 a sewer pumping station was constructed at Hingham Shipyard. He explained the need came about due to corrosion, further that turbulence causes gas and that corrodes the concrete. This was discovered in 1999 via a video tape and at which point they realized that they needed to rehab the sewer. The work was approved at that time but because of budget constraints the work was put on hold. Now with the availability of stimulus money they can go forward with the rehab work.

Mr. Carpman went on to say that they were before the Commission this evening for a Request for Determination, adding he believed there would be minimal impact to the area.

Ms. Pietro explained the method of reconstruction was a no-dig technology. She explained that plans call for them lining the inside of the sewer using fabric - then hot water would be made to circulate inside and that process cures the resin/fabric to create a liner. She wanted to point out that the liner has a 50 year life span.

Cmmr. Chandler asked about existing sewerage and Ms. Pietro told him that it would be diverted down to Aspinwall, across Mill Cove and taken care of at the North Weymouth Pumping Station - eventually pumped to Deer Island.

Ms. Pietro noted that the line shows a 100-year flood plain, adding they do not anticipate any adverse impact to the resource area. She also noted that there was a 100' buffer area located at the end of King Cove Beach Road, adding that the existing condition is mulch and shrubs, which will be temporarily removed. With regard to the Riverfront Area - this is the 3rd resource area. There will be creating a temporary structure with no permanent impact. She stated that there would be minimal construction activity and in summary should meet the criteria for a Negative Determination.

Cmmr. Chandler asked if there would be construction vehicles on site and the applicant replied that there would be vehicles on King Cove Beach Road, Everett Place and the access road.

Mr. Carpman told members he didn't expect the work to begin (construction) until late Spring 2010.

Cmmr. Gowen asked about the hours of operation and Mr. Carpman said they would be between the hours of 7AM and 5 PM, with the stipulation that vehicles would not be operating during the school bus pick-ups/drop-offs.

Cmmr. Gowen asked if it would be noisy and Mr. Carpman told her that the abutters have been notified.

Ms. Schloss told members that they had a meeting in the Mayor's office with MWRA's Community Relations Liaison about the proposed work.

Ms. Schloss then asked about erosion controls.

Mr. Carpman responded there would be haybales, etc. in place during construction, with Ms. Pietro commenting they would be also be adding a new manhole.

Ms. Schloss told members that she was all set with this proposal, commenting she felt it was a great project.

The hearing was opened to the public.

Mr. Bob Hannan, King Cove Road told members that in the past he has a bad experience with the MWRA doing work in the area. He stated that anything they broke they did not replace. He then asked about the number of trucks that would be working the project, adding that a number of residents were very upset in the past (in the 1980's) with the manner in which the work was conducted.

Mr. Carpman replied that he had been made aware of that, adding that was when they were dredging Fore River.

Mr. Carpman pointed out that the work needs to be done now or it would get progressively worse.

Ms. Joseph Halpin was the next speaker. He told members in the past there have been problems with the MWRA and their contractor J F White. He said when they dug the trench it was 14" deep and they damaged the road and never repaired it. He didn't want to see this happen again.

Mr. Joe Galiano, 126 King Cove Way - had questions regarding the 'right of way'. He stated that everything starts at the manhole and that the drawing stipulates they retain (2) trees, but it didn't mention the other trees. He was also concerned with what would happen across the street, including the access road.

Mr. Carpman explained that the plan is to take an additional easement. With regard to the trees, he said if they are in the way the contractor would have no choice but to remove them.

Cmmr. Chandler explained that they could not block the gentleman's access to his house, pointing out it was against the fire laws. He then asked the applicant about the time line.

Mr. Carpman gave him the following estimates:

- 3-4 weeks for the construction work
- 3-4 days to install the liner
- 3 days to cure
- 1 week to rehab the manholes

adding it would take a similar timeline for the second area.

Ms. Schloss noted that Mr. Paul Lynch left a letter outlining his concerns re. the project.

Ms. Schloss recommended a Negative 3 Determination with Conditions that would include:

- a pre-construction site walk
- installation of erosion controls
- a post-construction site walk
- submission of as-built plans

Cmmr. Oliverio moved to issue a Negative 3 Determination with conditions as recommended by the Administrator.

Cmmr. Gowen seconded.

UNANIMOUSLY VOTED

Westlake Drive/Essex Street, Replication Project - Hearing, Notice of Intent

Town of Weymouth DPW

Map 25, Bl 331, Lot 8 & 9, Map 25, Bl 330, Lot 1

DEP File # Not Available

Cmmr. Gowen moved to open the public hearing for the Weymouth Department of Public Works re. Westlake Drive/Essex Street.

Cmmr. Loring seconded.

UNANIMOUSLY VOTED

Mr. Tony Zerilli came before the Board along with Jeff Bina/Asst. Town Engineer.

Mr. Zerilli noted that the DEP file number had not come in as yet. He was before them this evening with the Mitigation/Replication plan, adding its part of a larger sewer project for the Town which began in 2003 re. Sewer Improvements. He went on to say that 40,000 sq. ft. of wetland would be impacted, with 7,000 sq. ft. that cannot be replicated. He said that in 2003 they submitted a plan for replication with copies given to the Administrator, DEP and the Army Corps of Engineers (ACOE). The ACOE denied the original plan. It was noted that they are not able to use storm water retention as part of the replication plan - which came with the sewer easement on West Lake Drive. He told members that there was an existing wetland there; i. e., Washington Street/Essex Street (Avalon Bay). The proposed replication area is 15,944 sq. ft. or 2:1. They plan to pull back the existing bank. The range is 5'-25' adjacent to the existing wetland - describing it as being dry part of the time and saturated part of the time. They have also submitted a planting/grading plan including erosion control information. He noted that part of the work will be in the buffer zone. He wanted to clarify that the new replication area he was referring to was actually between Essex Street and West Lake Drive.

Ms. Schloss told Mr. Zerilli that she would like to see an erosion control blanket, straw mulch, silt fence and the preservation of additional trees.

Mr. Zerilli told her they planned on saving the existing trees.

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

Cmmr. Loring moved to continue the public hearing for the DPW replication project at West Lake Drive/Essex Street to Sept. 9, 2009.

Cmmr. Gowen seconded.

UNANIMOUSLY VOTED

94 Bridge Street - Hearing, Notice of Intent

Colin Glynn

Map 6, Bl 62, Lot 1

DEP File #81-1063

Cmmr. Gowen moved to open the public hearing for 94 Bridge Street, File 81-1063.

Cmmr. Loring seconded.

UNANIMOUSLY VOTED

Applicant Colin Glynn came before the Board along with his representative Steve McDonald.

Ms. Schloss informed the Commission that this hearing came about due to an Enforcement Order that was issued a few years ago by the Administrator/Commission when a dock was constructed without prior authorization. She noted that the applicant submitted a sketch to the Harbormaster for a 10A Permit - although, she commented, it should have been sent to the Army Corps of Engineers in accordance with Chapter 91 because it was a permitted structure. She felt the proposed work required an engineering plan, adding the dock is located by the Rt. 3A Bridge/King Cove Way.

Mr. Glynn told members that the structure (dock) has been there since the 1960's, adding he had a photograph from 1983 that showed it existed. He bought the house in 1993 at which time it was in disarray and he basically put it back together and put the dock back out there. He said he has checked a number of times and has never seen any shellfish there. Additionally he spoke with the Harbormaster who said there was no salt marsh there, so there would be minimal impact to the resource area. He described the float as sitting on the bottom of the river floor. He went on to say that he personally has a larger issue with floats on the tidal flats which are located in productive areas - but emphasized again where he is this is not the case.

Mr. McDonald spoke about the environmentally safe material he used and that it included no creosote, or anything of that nature - describing what they used was used many years ago as a buffer for the ships.

Ms. Schloss stated that there was a filing fee due in the amount of \$200.

Mr. Glynn wanted to reiterate that this was not a new dock and felt that because it went so far back in time that it should be grandfathered in.

Mr. McDonald said that many years ago he played in this area when there was a pier there.

The Commission opened the hearing to the public for additional comment. There being none, a motion was made to close the public hearing.

UNANIMOUSLY VOTED

75 Finnell Drive, Weymouth Club - Hearing, Notice of Intent**Steven Goldman****Map 36, BI 452, Lot 5****DEP File # Not Available**

Proof of abutter notification was presented to the Administrator. Jennifer Turcotte, PE, of Green Environmental spoke on behalf of the applicant. She explained that the Notice of Intent was filed to undertake the work required by the Commission's Enforcement Order. That Order required the removal of approximately 7,000 square feet of unauthorized fill in a Bordering Vegetated Wetland. She stated that the owner, Mr. Goldman, allowed this gravel parking area to be constructed due to a parking emergency.

Ms. Turcotte explained that the Notice of Intent plans show the area where Mr. Goldman proposes to eventually place more parking, but that construction of the additional proposed parking area is not part of the Notice of Intent request.

The Commission discussed the local ordinance filing fee. The applicant had paid the \$750 base filing for commercial and industrial projects, but had not paid the \$0.75/square foot fee for alteration of a resource area. Members noted that the resource area alteration fee may not be applicable here because the project was being required by the Commission through an Enforcement Order, and was for restoration rather than alteration of a resource area.

Commr. Loring moved to waive the resource area impact fee.

Commr. DeGabriele seconded.

UNANIMOUSLY VOTED

Ms. Schloss noted that they did not have a DEP File Number and would need to continue the hearing for this.

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

Commr. Oliverio moved to continue the hearing to September 9, 2009.

Commr. Loring seconded.

UNANIMOUSLY VOTED

81-959 Great Pond Water Treatment Plant - Extension to Order of Conditions

Ms. Schloss explained that the Weymouth DPW was applying for an extension to their Order of Conditions for the decommissioning of the old water treatment plant lagoons. The Order was expiring later in the month. The work was mostly completed but a one-year extension was necessary.

Commr. Oliverio moved to issue a one-year extension for the project.

Commr. DeGabriele seconded.

UNANIMOUSLY VOTED

81-957 Weymouth Neck Lot 1 - Certificate of Compliance

Ms. Schloss explained that this project was part of the Weymouth Neck cleanup and that she had conducted a site walk with the applicant's representative. The applicant had originally applied for the Certificate of Compliance last year, and supplied the necessary as-built plan at that time, but the site visit last year showed that additional vegetative stabilization was needed. The site currently is in good shape and ready for a Certificate of Compliance.

Commr. Oliverio moved to issue a Final Certificate of Compliance for the project.

Commr. Loring seconded.

UNANIMOUSLY VOTED

Minutes

Regarding the minutes of June 10 and June 24, 2009, Commr. Chandler requested that the minutes be tabled as he did not believe the Commission should be voting on the minutes when several of the agenda items were still open.

Commr. Gowen moved to table the minutes of June 10 and June 24 until the next meeting.

Commr. Oliverio seconded.

UNANIMOUSLY VOTED

Commr. Oliverio moved to approve the minutes for July 23, 2009.

Commr. Loring seconded.

Commr. DeGabriele abstained, having not been present at the meeting.

SO VOTED. 4 IN FAVOR, 1 ABSTENTION.

The September 9, 2009 meeting will begin at 7:30 PM in the Town Council Chambers of the Weymouth Town Hall.

ADJOURNMENT

Commr. Loring moved to adjourn at 11:45 PM.

Commr. Oliverio seconded.

UNANIMOUSLY VOTED

Respectfully submitted,

Susan DeChristoforo
Recording Secretary

APPROVED: _____
Conservation Commissioner

DATE: _____