

**Weymouth Conservation Commission  
McElroy Meeting Room, McCulloch Building**

**August 17, 2011 Meeting**

**Present:** George Loring, Chairman  
Steve DeGabriele, Vice-Chairman  
Scott Dowd, Commissioner  
Laura Harbottle, Commission Clerk

**Not Present:** Adrienne Gowen, Commissioner

**Also Present:** Mary Ellen Schloss, Administrator

**Recording Secretary:** Patricia Fitzgerald

**Cmmr. Loring called the August 17, 2011 meeting to order at 7:00 PM in the Council Chambers at Weymouth Town Hall, Weymouth, MA.**

**Minutes**

Cmmr. Dowd made a motion to approve the minutes from July 20, 2011 as written and amended, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

**887 Middle Street**

**Violation Hearing, Continued**

Cmmr. Harbottle moved to open the violation hearing, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

Owners Andrew O'Brien and Kristen Hatteberg appeared before the Commission because of an expansion of their driveway in the buffer zone of a Bordering Vegetated Wetland and possible encroachment onto town Conservation land.

Ms. Schloss told the Commission that the DPW staked out the property line and part of the driveway encroachment is, indeed, on Conservation land and is within 100 ft. of wetland.

The driveway was discussed at length; the owners would like to create an area that is easier for parking and maneuvering of cars.

After some discussion, Commissioners agreed that they use stone or mulch at the top of the driveway within their property line and mulch or soil plantings at the bottom where they had started to expand onto Conservation property.

Mr. O'Brien said they would agree with stone.

Ms. Schloss said the width of the new encroachment was about 4-5 ft., and the stone that was pushed onto the Conservation land must be pulled out. She also stated that she will issue a letter to document what was discussed and told the owners that if they want to use pavers they will need to come back before the Commission.

**Route 18 Widening Project, Geotechnical Borings - Hearing  
Request for Determination of Applicability  
MA Department of Transportation**

Cmmr. DeGabriele moved to open the public hearing, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Appearing before the Commission were Tim Dexter, Environmental Analyst, Mass. DOT and Mark Forbert and Ed Hutchins of Tetra Tech Rizzo.

Mr. Forbert explained that the work to be done is for geotechnical borings for construction of the temporary bridge over the railroad tracks. He added that, normally, it is not required to file for borings within a buffer zone. This project will require borings within a wetland area. Marsh mats (terra mats) will be used within wetland areas.

To reach the work area buffer zone he said an ATV will enter via Thomas Rd. He also stated that it doesn't look like any trees will need to be removed and in the 7 – 10 ft. path the herbaceous growth will come back pretty quickly.

Ms. Schloss questioned if any areas will be accessed by crane. Mr. Forbert explained that an ATV can get to the base of the slope, which is an isolated wetland.

Ms. Schloss asked if there were any inclement weather restrictions; Mr. Forbert replied that he didn't think it could get any wetter than what they've already seen.

Ms. Schloss commented that:

- Some trees (5" or greater) in the buffer zone may have to come down.
- She will need to be notified when work begins and ends.

Cmmr. Harbottle moved to close the public hearing, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

Cmmr. DeGabriele moved to issue a Negative 2 determination in the resource area, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

The applicant asked for time to discuss two Conservation parcels on Route 18. Only the larger parcel (assessor's reference 41-462-14) will need to be encroached upon for the highway widening, and only 430 square feet of the Conservation land will be needed.

Ms. Schloss explained that DOT had approached her about this and she had recommended that DOT provide a curb cut and parking for the Conservation land that abuts the parcel.

The applicant provided a handout showing the proposed driveway and parking area.

Cmmr. Harbottle asked if money could be put into a fund for signage and if the parking will be delineated.

Mr. Forbert stated that the Conservation Commission will need to approve anything that is done and requested a letter of Con Comm support.

The Commissioners unanimously agreed that the Administrator should write a letter voicing the Commission's support for the concept of allowing the encroachment in exchange for the curb cut and parking area, and stating that the Commission looks forward to receiving more details.

#### **Notice of Intent – Continued Hearing**

**Norma Ave., Lot 104**

**DEP File#81-1088**

Cmmr. DeGabriele moved to reopen the public hearing, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Ms. Schloss announced that she has received written certification that Cmmr. Harbottle has listened to the recording of the July 20, 2011 minutes and is able to participate.

The following materials had been provided to the Commission for their review prior to the hearing:

- Notice of Intent Site Plan, Single Family Dwelling, Norma Avenue, Prepared by SITEC Environmental, Revision Date Aug. 2, 2011.

- Tree Location Site Plan, Single Family Dwelling, Norma Avenue, Prepared by SITEC Environmental, Aug. 8, 2011.

Al Trakimas of SITEC Environmental came before the Commission to address the items requested at the last meeting:

- Sediment Basin would be stone lined, (5) ft. wide x (10) ft. long. Chip Fontaine recommends it be outfitted with a headwall before construction.
- Existing trees are by the abutting property to the east. Mr. Ryder said he would be willing to remove the telephone pole in order to move the driveway further west so the trees can remain.
- Infiltration - 16" with crushed stone; swale will be on the east and south sides of driveway to direct run-off and provide infiltration.
- Lawn Area – will be demarcated by a post-and-rail fence, which can be moved closer to the house than the (25) ft. buffer. At the point where the (25) foot buffer dips to the south, the fence could be installed in an east-west direction, allowing this area to be left in a natural state.
- Site debris - area will be cleaned up and it is thought that once someone is living there, future dumping will be dissuaded.
- They will put in a headwall and send a detail sheet to Chip Fontaine for his review.

Cmmr. DeGabriele asked if 'Do Not Disturb' signs will be put up; Mr. Trakimas said yes, one on each corner of the fence.

Ms. Schloss asked where the fence will be located in the odd-shaped portion of the lot where the former cul-de-sac was located.

Mr. Trakimas responded that just the southerly portion will be fenced (to separate the Conservation area).

Ms. Schloss asked if the Commission could require that the property line be fenced in the former cul-de-sac area. She also suggested that:

- Mr. Ryder obtain permission from adjacent Lot 1 to remove debris from their property.
- In the former cul-de-sac area, property line should be fenced (unless a property trade can be made in which case the fence could be at the (25) ft. boundary).
- The debris at the end of the driveway should be described as metal gardening equipment and leaves.

There being no questions or comments from the public, Cmmr. DeGabriele moved to close the public hearing, seconded by Cmmr. Harbottle. UNANIMOUSLY VOTED

Special conditions were determined to be:

- Sediment basin and headwall details to be approved by DPW, with copy to Commission.
- Reference plan and tree location plan for trees to be saved.
- Fence, which is to be located as discussed.
- Remove debris and request permission from Lot 1 to remove debris from their lot.
- Crushed stone along driveway extending to the sidewalk.
- (2) 'Do Not Disturb' signs at the corners of the fence.

Cmmr. Harbottle moved to approve a Standard Order of Conditions with special conditions mentioned, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

### **209 Belmont St. – Continued Violation Hearing**

Cmmr. Harbottle moved to reopen the violation hearing, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

Appearing before the Commission were owner Paul Campbell and James Grant, an employee of Sean Farrell Excavating.

Ms. Schloss told the Commission that she walked the site with Steven Cartwright of NSTAR and NSTAR is not concerned about the excavation. She also suggested a restoration plan and recommended an Enforcement Order.

Ms. Schloss told Mr. Campbell he should get a wetland scientist. Mr. Campbell said he has talked to Steve Ivas and Mr. Ivas will direct the dirt removal and recommended surveyor Peter Hoyt to mark the property line.

Ms. Schloss will issue an Enforcement Order to Mr. Campbell and the construction company.

Cmmr. Harbottle asked about the restoration plan and the proposed plantings; Ms. Schloss answered that it will be a seed mix because it is an easement and it is cut periodically, so trees aren't wanted.

Cmmr. DeGabriele said he was still not sure he understood the drainage pipe.

Ms. Schloss said she will have added to the narrative “before and after’ of the drain pipe and will request this narrative by Sept. 12<sup>th</sup> (before the work begins).

Ms. Schloss also added:

- There are (2) wetland areas including a potential vernal pool.
- It is not likely that the outlet is under the WPA.
- There is a lot of fill on the steep slope with a steep embankment adjacent to the driveway and she is concerned about stability.
- Additional erosion controls may be needed.

Cmmr. DeGabriele moved to issue an Enforcement Order to Mr. Campbell and Farrell Excavating to restore 209 Belmont St., seconded by Cmmr. Harbottle. UNANIMOUSLY VOTED

Cmmr. DeGabriele moved to continue the violation hearing to Sept. 14<sup>th</sup>, seconded by Cmmr. Dowd. UNANIMOUSLY VOTED

## **21 Woodbine Road – Continued Hearing**

Cmmr. DeGabriele moved to reopen the hearing, seconded by Cmmr. Harbottle. UNANIMOSLY VOTED

Cmmr. Harbottle moved to continue the hearing until Oct. 12<sup>th</sup> at the request of the applicant, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

## **311 Neck St. – Certificate of Compliance**

Tim McAuliffe appeared before the Commission.

Ms. Schloss explained that this Certificate was for a single family home and, other than the driveway being slightly larger than on the plan, all was in order. Roof drains from the garage were re-routed to the dry wells to compensate for the additional impervious surface.

Cmmr. Dowd moved to issue a Certificate of Compliance, seconded by Cmmr. Harbottle. UNANIMOUSLY VOTED

## **70 Jessica Ln. – Certificate of Compliance**

Ms. Schloss told the Commission that everything looked good.

Cmmr. DeGabriele moved to issue a Certificate of Compliance, seconded by Cmmr. Dowd.  
UNANIMOUSLY VOTED

#### **420 Libbey Parkway – Certificate of Compliance**

Ms. Schloss told the Commission that the catch basins and outfall have been cleaned and a new hood installed on one of the catch basins, as requested. She added that other than the trash enclosure not being constructed, it looks okay.

Ms. Schloss will send a letter reminding them that an enclosure (an (8) ft. high fence with a locking gate) is required and will inform them that a certificate will be issued when the fence is erected or when money and estimate are received to be held in escrow.

Cmmr. Dowd moved to issue a Certificate of Compliance subject to the receipt of money and an estimate or erection of a fence, seconded by Cmmr. DeGabriele. UNANIMOUSLY VOTED

#### **Other Business and Conservation Report**

- Cmmr. Dowd reported that the single family house at 1340 Washington St. that was to come within (1) ft. of the buffer zone, looks like the closest it comes is at least (5) ft. and asked if the silt fence may have been moved back.
- Cmmr. Dowd told the members that the National Marine Fisheries may elevate the status for protection of river herring (alewife and blueback). He said if this does go through it could lead to a better chance of funding for Whitman's Pond.
- Cmmr. Harbottle said that she has heard heavy equipment near her house. She stated that behind her home there is a large wet area (that is not a vernal pool) and a front-end loader was near this wetland area. Ms. Schloss will follow up.
- Ms. Schloss informed the Commission that National Grid will be replacing gas mains which are exempt from WPA for utilities *if they are replacements*. She confirmed with the Commission that they would interpret replacement of a 2" main with an 8" main as an exempt replacement, since the size of the trench would be the same for either.
- Ms. Schloss said she has met with Steve Goldman (Weymouth Club) and the detention basin is done. She also met with the wetland scientist and contractor regarding modifications to the wetland restoration area. Ms. Schloss stated that she will meet with them again the week of Aug. 23<sup>rd</sup>. Mr. Goldman also floated the idea of piping the replicated intermittent stream on his property so that he can construct additional parking. His consultant may follow up.

- The apartments on Pond St., at the Abington line are getting ready to close out File # 81-937. 0 Pond St., on the Abington line, will be the site of a (20) unit complex. The owner will come in on Sept. 14<sup>th</sup> for a Final Certificate of Compliance; he would also like a temporary Certificate of Occupancy for Sept. 1<sup>st</sup>. Given that they have a \$250,000 performance bond, Ms. Schloss is comfortable with a (30) day temporary Certificate of Occupancy. The only items left to be completed are the top coat, cleaning out the swale, mowing or cutting the vegetation and providing the as-built. The Commission approved a temporary Certificate of Occupancy.
- Weathervane: Bristol Brothers asked if a site visit of the golf course is wanted. They are working on a Certificate of Compliance.
- Neck Street: Sewer Overflow Report received, but no quantity estimate.
- Division of Marine Fisheries has been conducting monthly sampling. Ms. Schloss expressed hope that this will help with a grant and asked if Con Comm can write a proposal to the Community Preservation Committee.
- There will be a neighborhood meeting on Sept. 15<sup>th</sup> with Great Esker Park on tidal marsh restoration.
- Weymouth Club has a separate Order of Conditions for wetland restoration; once that is done Mr. Goldman can come in for Certificate of Compliance.

**Adjournment**

Cmmr. DeGabriele moved to adjourn the meeting at 10:00 PM and to meet again on Sept. 14, 2011 at 7 P.M., Town Hall Council Chambers, seconded by Cmmr. Harbottle. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

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Laura Harbottle, Conservation Clerk

Date