

**WEYMOUTH CONSERVATION COMMISSION
SEPTEMBER 9th, 2009 MEETING**

PRESENT: David Chandler, Acting Chairman
Diane Oliverio, Acting Commissioner
George Loring, Acting Commissioner
Adrienne Gowen, Commissioner
Stephen DeGabriele, Acting Commissioner

ALSO PRESENT: Mary Ellen Schloss, Conservation Administrator

Chairman Chandler called the September 9, 2009 meeting to order at 7:30 PM in the Council Chambers of Weymouth Town Hall.

Minutes for approval and signature

Approval of minutes tabled until the end of the meeting.

234 King Philip Street – Closed Hearing

Issue Order of Conditions

DEP File #81-1055

Ms. Schloss noted that the hearing was closed at the last meeting. She had received comments from the applicant on the draft “special conditions” and have incorporated their comments in a revised draft, which was included in the Commissioners’ packets.

The revised draft is a partial list of conditions. This will be folded into the full set of conditions, which include our standard “special” conditions.

Ms. Schloss commented on the following conditions:

- There was discussion with the applicant regarding tree cutting in relation to special condition #5, saving of some additional trees: applicant concerned, suggested modify wording: No tree cutting outside of designated work line. No tree cutting shall be allowed outside the designated limit of the erosion control line. The 18” tree at 100’ at northeast corner of proposed house is allowed to be removed. Do not clear cut the entire lot, the plans show the limit of the lawn area.
- Ms. Schloss stated that condition number 13 is in regards to the bond. The applicant suggested \$5000 which she believes is too low. She noted that the Commissions ability to impose a bond amounts is limited; Massachusetts Association of Conservation Commissions (MACC) has indicated that there is a limit to what the Commission can require. Chairman Chandler, compromise for \$10,000 bond.
Matthew Watsky, counsel for applicant, stated that the Certificate of Compliance is required in order to release the order of condition. For the applicant not to complete the work would create a financial encumbrance as the house being built to be sold
Brian Nelson, the applicant, stated that he plans to build a single family home; this will not be a subdivision.
The applicant agreed upon \$7500. Mr. Watsky noted that the Certificate of Occupancy is also dependent upon completion of the work.

- Item number 16 language should include cross culvert and stream channel kept clear of blockage.
- Item number 17 includes the addition of dry wells for infiltration of roof run off.
- Item number 15 was deleted.

Cmmr. Oliverio moved to issue a standard Order of Conditions with special conditions as noted. Cmmr. Gowen Seconded. UNANIMOUSLY VOTED.

1420 Main Street – Continued Violation Hearing

This is a continued hearing regarding a violation at Richards Auto Service. Commissioners Diane Oliverio and George Loring accompanied Ms. Schloss to the site on August 27 where we met with the owner and discussed work to be done. We recommended the following to the owner, to be discussed by Commission (note flag numbers refer to flags I have placed on site):

1. that the owner remove the debris that had been pushed into the wetlands and buffer zone at two locations (marked flags #1 and #2);
 2. that the dirt bike lane closest to the wetland be loamed and seeded with a conservation mix and that the lane be relocated to the upland side of the existing lane; and
 3. that the grade of the lane adjacent to wetland at its steepest height (at flag #3) to be lowered (approximately 12 inches?) prior to restoration.
- The Commission should issue an Enforcement Order that documents these conditions, along with a timeframe.

Ms. Schloss discussed whether the work could be done in two phases. Phase 1 would be the initial cleanup. The machine work could be done in the spring. However it would be best to have all the work done before the first snow fall. The area needs to be stabilized; sooner the better

Cmmr. Oliverio noted that there were new dirt bike tire tracks in the wetlands near the back area.

Phase 1, debris removal, is to be done by October 15th. Phase 2 also to be completed if possible otherwise work to be done in spring to be finished by May 15, 2010. The idea is to have the area seeded before the summer growing period. This required work is to be spelled out in an enforcement order.

Cmmr. Loring moved to issue an enforcement order for 1420 Main Street that requires removal of debris in the wetland and buffer zone as identified during the site visit by 10/15/09. The remainder to be done by 5/15/10 – relocation of dirt bike track away from the wetland area per discussions. Cmmr. Oliverio Seconded. UNANIMOUSLY VOTED.

Westlake Drive/Essex Street Replication Project – Continued Hearing DEP File #81-1066

Ms. Schloss stated that this is a wetland replication occurring as mitigation for sewer projects done a few years ago. The replication is happening on three separate parcels: one is in tax title, one is being acquired but is in probate, and one is part of Avalon.

Ms. Schloss noted that the conditions have been discussed with the applicant. However, the applicant, the Department of Public Works (DPW) has requested a continuance until ownership issues are resolved..

Cmmr. Loring moved to continue this hearing until October 28, 2009. Cmmr. Oliverio seconded. UNANIMOUSLY VOTED.

**94 Bridge Street – Closed Hearing
Issue Order of Conditions
DEP File #81-1063**

This is on the dock that has already been built. Ms. Schloss stated that there was a question of time frames for filing of permits. The permits need to be filed by 1/15/10. The applicant will need to file under Chapter 91 with the Department of Environmental Protection (DEP), file for a local building permit, as well as file with the Army Corp of Engineer (ACOE).

Ms. Schloss noted that the Order of Conditions may need to be amended after DEP and ACOE issue their findings.

Cmmr. Loring noted that the provision regarding filing of permits is important and without it, use of the pier will not be permitted.

Cmmr. Gowen moved to issue Order of Conditions with the notation that the Order may need to be amended if other permitting agencies require changes. Cmmr. Loring seconded. UNANIMOUSLY VOTED.

**90 Libbey Industrial Parkway – Continued Hearing
DEP File #81-1064**

This is a request for a new parking area and drainage. Ms. Schloss noted that there have been issues regarding maintenance. She noted that there has been a change of use from office to medical. More parking is needed because of usage. Intend to ask for waiver for work within a wetland area.

Mr. Kelly, attorney for the applicant introduced Mr. Sean Hardy, Hardy Engineering, who is the Civil Engineer, Jason Ward, FoxRock properties, who is the applicant, and Mr. Steve Ivas, Environmental expert.

Mr. Hardy gave a brief overview of the project.

Cleaning of catch basins will be a minimum of two times a year with an inspection to be done at least four times per year. If the sediment is found to be more than 18 inches, then the basin would be cleaned.

Chairman Chandler asked who is responsible for the cleaning. Mr. Hardy stated that the applicant will hire a drain cleaning company.

Chairman Chandler asked about the parking. Mr. Kelly stated that the applicant would be asking for a parking variance because the change to medical use requires more parking than the current use.

Mr. Kelly noted that the applicant would be able to carry out the conditions relative to the detention basin on the adjacent property through their permanent right of easement.

Chairman Chandler stated that this is a public hearing and asked if there was anyone present who would like to comment on this matter. There was no response.

Cmmr. Oliverio moved to close the public hearing. Cmmr. Gowen seconded.
UNANIMOUSLY VOTED.

Draft Order of Conditions will be ready for the next meeting on 9/23/09.

944 Middle Street – Continued Hearing DEP File #81-1062

Paul Tyrell, Gale Associates, appeared before the Commission on behalf of the applicant, Planet fitness. He noted that the applicant as filed a Notice of Intent. He also noted that at the previous hearing there was much discussion. He indicated that administrative issues, abutters, signatures, drawings, operations and maintenance plans have all been completed.

There was discussion regarding the type of fencing. The fence will be 6 feet high, along the wetlands. Cmmr. Oliverio asked what type of fence will be installed. Mr. Tyrell stated that it would be chain link.

Mr. Tyrell asked if the fence could be 4 feet high. Chairman Chandler noted that there has been historical dumping done on this site after the business is closed. Mr. Tyrell stated that he would install a gate at the entrance of the site. Mr. Tyrell asked if the fence could be placed on the top of the slope.

There was discussion regarding how often the storm drain will be inspected. Ms. Schloss stated that she recommends four times per year for inspection with cleaning to be done a minimum of two times per year or if sediment depth reaches 18”.

Mr. Tyrell stated that he sweeps the lot frequently because when sand is brought in on patrons shoes it ruins the machines.

Ms. Schloss noted that existing debris needs to be removed from wetlands and buffer zone. She noted that there are two colonies of Japanese knot weed which is an invasive species and difficult to get rid of. It is located at the opening of outlet and on the side slope. The slope is unstable and there is a significant sediment fan between flags 3 and 4. Ms. Schloss noted that if all of the plant cannot be removed, it is best to be left alone. The sediment at the bottom of the slope needs to be cleaned up.

Chairman Chandler stated that this is a public hearing and asked if there was anyone present who would like to comment on this matter. There was no response.

Ms. Schloss stated that the draft order has not yet been written up and will be available for next meeting.

Cmmr. Loring moved to close the public hearing. Cmmr. DeGabriele seconded.
UNANIMOUSLY VOTED.

Cmmr. Loring stated that he suggests that the basins be inspected four times per year with a pump out after the winter as well as cleaned every time the sediment reaches 18". Mr. Tyrell stated that the applicant commits to cleaning out the basin when it reaches 18" and should be cleaned out at least once per year.

The conditions will include 6 foot high fence, inspect four times per year, clean a minimum of one time per year and/or when the basin reaches 18".

81-623 944 Middle Street – Certificate of Compliance

Ms. Schloss noted that an Order of Conditions was issued years ago but was never recorded with the Registry of Deeds. The work was done, but a Certificate of Compliance was not issued.

Ms. Schloss stated that she wants to make it clear that this work needs to be done. She noted that this issue can be folded into the new order of conditions.

Mr. Tyrell stated that it is the applicant's intent to start the work as soon as possible.

12 Myrtle Street – Hearing Request for Determination of Applicability Carolyn O'Reilly Map 23, Bl 311, Lot 10

Chairman Chandler stated that this is a request for Determination of Applicability. The applicant passed out plot plans to the Commissioners.

The applicant is before the Commission because the property is within 200 feet of a Riverfront Area.

Ms. O'Reilly stated that she would like to widen her driveway and expand the garage, as well as add a grassy areas.

Ms. Schloss noted that the garage should have downspouts directed towards the grassy areas.

Cmmr. Loring moved to issue a finding of negative need for determination as there is no impact to the resource area and no conditions are needed. Cmmr. Oliverio seconded.

UNANIMOUSLY VOTED.

**75 Finnell Drive – Continued Hearing
DEP File #81-1065**

Ms. Schloss noted that this was continued because there was no DEP file number. She stated that the public hearing needs to be closed and an Order of Conditions issued.

Chairman Chandler stated that this is a public hearing and asked if there was anyone present who would like to comment on this matter. There was no response.

Cmmr. Loring moved to close public hearing. Cmmr. Oliverio seconded. UNANIMOUSLY VOTED.

Cmmr. Oliverio moved to issue a standard Order of Conditions with special conditions as attached. Cmmr. DeGabriele seconded. UNANIMOUSLY VOTED.

**Pond Street Sidewalk Extension – Hearing, Notice of Intent
South Suburban Affordable Housing
Map 61, Bl 641, Lot 8
DEP File # 81-1067**

Cmmr. Loring moved to open the public hearing. Cmmr. Oliverio seconded. UNANIMOUSLY VOTED.

Tom Pozerski of Merrill Associates, engineer for the applicant, appeared before the Commission regarding the extension of the sidewalk along Pond Street about 95 feet. He stated that this project was mandated by the Board of Zoning Appeals. He stated that it is considered a maintenance project not a construction project as the width of the sidewalk is less than a single roadway width. Under the storm water regulations this is considered a redevelopment project.

Chairman Chandler questioned if this project was overkill. Ms. Schloss stated that this project is an attempt to resolve drainage problems into the adjacent residential area. There are storm drains along the street. The storm water flows from west to east.

The project will require a waiver for construction within the 25-foot no-build zone.

Ms. Gowen stated that she has walked this area a number of times. She noted that this area is extremely wet. She asked where the sidewalk stops. Mr. Pozerski stated that it will stop just short of the Abington line.

Chairman Chandler asked if Route 58 is a state highway. Mr. Pozerski stated that it is not a state road until the Abington town line.

Chairman Chandler asked about removing the grass strip. Mr. Pozerski stated that the town is requiring the strip. The first segment of the sidewalk has been approved. This is to extend sidewalk further for public safety as there is inadequate visibility.

Mr. Pozerski stated that this is the 3rd time this issue has been before the Conservation Commission.

Ms. Oliverio noted that there was neighborhood concern regarding inadequate visibility.

Chairman Chandler stated that this is a public hearing and asked if there was anyone present who would like to speak on this matter.

Councilor Smart stated that the sidewalk needs to meet the existing sidewalk.

Harvey Welch, 674 Pond Street, stated that the first section of this project referenced today has been appealed to the Department of Environmental Protection. He questioned why this section is before the Commission when the appeal has yet to be heard and decided.

He stated that he did not consider the project to be overkill as most of the surrounding properties have water problems.

Chairman Chandler stated that the plans shown are more in keeping with a storm water system for a parking lot; this is why he believes that it is overkill.

Cmmr. Oliverio asked if the entire project is within the jurisdiction of the Conservation Commission. Ms. Schloss stated that only a small portion of it falls under the Commission's jurisdiction.

Mr. Welch asked when the wetland delineation was done. Mr. ? stated that it was done this year.

Mr. Joe Celine, 17 Sea Captain's Way, also questioned the wetland delineation.

Chairman Chandler stated that when the land was delineated is not relevant to the current issue as long as it was done along with the Notice of Intent.

Ms. Schloss stated that if the proposal is approved this evening the delineation is approved and valid for three years.

Cmmr. Loring moved to close the public hearing. Cmmr. Oliverio seconded. UNANIMOUSLY VOTED.

A standard Order of Conditions to be issued with special conditions to be similar to the conditions issued for the first part of the sidewalk.

Grant waiver for work within the 25' foot no-disturb zone (18-20 feet) because of infiltration being provided. The infiltration stone trench is adjacent to the sidewalk and is topped with grass. It discharges into the ground.

There is flexibility for erosion control for the use of silt sock rather than hay bale

Cmmr. DeGabriele moved to issue a standard Order of Conditions and to grant a waiver from the 25' foot no-disturb zone. Cmmr. Loring seconded. UNANIMOUSLY VOTED

**81-1051 Sportsmen's Way (615 Front Street)
Certificate of Compliance**

Ms. Schloss stated that the work is done and everything is in order. She noted that she has spoken with the current owners as to what can and cannot be done in the no-disturb wetland area.

Cmmr. Loring moved to issue a Certificate of Compliance. Cmmr. Oliverio seconded. UNANIMOUSLY VOTED.

**81-993 333 Columbian Street
Extension to Order of Conditions**

Ms. Schloss stated that the town typically allows for a one year extension. She noted that this is a sub-divided lot.

Cmmr. Oliverio moved to extend the Order of Conditions. Cmmr. Seconded. UNANIMOUSLY VOTED

Other Business and Conservation Report

Ms. Schloss reported on the following:

- Solicitation of quotes for plantings along the Herring Run adjacent to the Skate Park. The plantings will allow for more shade and should happen in October.
- Reconstruction of bulkhead at Fore River Bridge. They will tear down the cement wharf.
- Training opportunities for commissioners who are staying.
- Sue DeChristoforo will no longer be recording secretary.

Minutes for approval and signature

Cmmr. Oliverio moved to approve the minutes of the 6/10/09 meeting as amended. Cmmr. Loring seconded. UNANIMOUSLY VOTED.

Cmmr. Oliverio moved to approve the minutes of the 6/24/09 meeting as amended. Cmmr. Loring seconded. UNANIMOUSLY VOTED.

The September 23, 2009, Meeting will begin at 7:30 P. M. at the Weymouth Town Hall.

Cmmr. Oliverio moved to adjourn at 10:30pm. Cmmr. Loring seconded. UNANIMOUSLY VOTED.

APPROVED: _____
Conservation Commission Clerk