

**WEYMOUTH CONSERVATION COMMISSION**

**Town Hall Chambers**

**September 10th, 2008 Meeting**

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

**ALSO PRESENT:** Conservation Administrator, Mary Ellen Schloss

Chairman Thompson called the September 10th, 2008 meeting of the Conservation Commission to order at 7:38 PM.

**Minutes: August 13, 2008, for approval**

Approval of the minutes were tabled until the end of the meeting.

**33 Aster Circle - Hearing**

**Patricia Collins**

**Map 28, Block 365, Lot 10**

**Request for Determination of Applicability**

Mr. Richard Collins, representing the applicant, Patricia Collins, came before the Board. He explained that the proposed work, a 16' x 20' addition, would take place within the 100-ft. buffer zone. He noted that the area was fenced in which protected the resources.

Ms. Schloss confirmed out that the work was 75' away from the resource area - and that the fence goes to ground level and acts as a barrier. She viewed it as a minimal project, and noted that there was an existing lawn. She told members that the applicant was present this evening as part of the required procedure and she was recommending a Negative 3 Determination.

Cmmr. Coven asked if there would be a deck and the Mr. Callen responded 'no', adding there already was one.

Commr. Kent asked about footing and Mr. Callen said they would be doing a slurry slab with no excavation.

When asked about the use of haybales, Ms. Schloss replied that none were needed, adding that the fence served as protection to the resources and keeping the debris out.

Commr. Gowen moved a Negative 3 Determination based on the recommendation of the Administrator.

Commr. Kent seconded.

UNANIMOUSLY VOTED

**15 Roland Road - Hearing**

**Kirsten & Leo Son**

**Map 48, Block 545, Lot 32**

**Request for Determination of Applicability**

Ms. Schloss noted that Kirsten and Leo Son were putting in an above-ground pool that would be located within 25'-50' of the BVW.

Chairman Thompson asked about protection of the resources and Kirsten Son told him they would be using haybales.

Ms. Schloss recommended the use of erosion controls, adding there would be a slight adjustment to the grading. She felt it was an important precaution.

It was noted that the pool's proximity to Great Pond was 350'.

Ms. Schloss recommended a Negative 3 Determination, with some standard conditions regarding the discharge from the pool, including there would be no discharge of chlorinated water.

Commr. Kent asked about a fence and Ms. Schloss pointed out that the pool was an above-the-ground with a moveable ladder, but she would check to see if one was needed.

Cmmr. Murphy moved a Negative 3 Determination based on the Administrator's recommendation.

UNANIMOUSLY VOTED

**Tirrell Street - Planned Unit Development - Continued Hearing**

**Kenneth Ryder/Ryder Development, Applicant**

**DEP File #81-1033**

Cmmr. Murphy moved to open the continued hearing for File 81-1033, Tirrell Street/PUD, Kenneth Ryder applicant.

Commr. Kent seconded.

UNANIMOUSLY VOTED

Mr. Kenneth Ryder, Applicant came before the Board along with his representative from Sitec, Al Trakimas, PE.

(Members were in receipt of a lengthy letter dated 9/10/08 from their consultant, Dr. Desheng Wang, PE responding to Mr. Trakimas presentation and a number of comments made at the Tirrell Street's August 13<sup>th</sup> hearing and included confirmation of paperwork/documentation he received from the applicant/Sitec.)

Mr. Trakimas told members he received Dr. Wang's 9/10/08 letter this afternoon and had an opportunity to briefly review his commentary. He noted that some of the points made in the letter were new, but summarily he has provided all of the information previously addressed, which included:

- Review of the drainage system design, adding that the DPW has done them
- An additional wildlife analysis, and brought in a wildlife Ph.D. and his report is included.
- A profile of the driveway
- Construction sequence - this was included with the erosion control sediment plan
- Additional improvements for Tirrell Street re. sediment removal (this has been provided)

Chairman Thompson noted that in Dr. Wang's letter, he essentially states that the design has significantly improved - and he noted that he viewed the only remaining items remaining as minor. He added that the Board/Administrator could address any of the remaining items in the Order of Conditions.

Mr. Trakimas referred to one of Dr. Wang's recommendations re. adding (1) culvert under the driveway crossing, and wanted to point out that this has been addressed. He went on to say that Dr. Wang also recommended a 5' wide X 4' wide culvert and he explained to the members that the applicant preferred to keep this design 'as is', if not it would be difficult to maintain. He wanted to point out that what Dr. Wang recommended is almost impossible to do.

Next Mr. Trakimas spoke about the dead trees and the recommendation to replicate them. He didn't feel this was necessary as they are only developing 5 acres of a much larger site, but he commented if all we have to do is drag dead trees over, we can do it.

Ms. Schloss stated she would be happy to work it out with the wetland scientist. She also felt that they had made quite a bit of progress. Next she compared the 60"D pipe to the 4' x 5' boxed culvert, stating she was not sure how much of a difference the change would make.

Chairman Thompson said he felt the applicant had gone above and beyond in meeting the requests and recommendations that were made to him. He felt at this point that they could work out any minor outstanding items without holding another hearing.

Commr. Gowen moved to close the public hearing for File 81-1033, Tirrell Street/PUD.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

**Tirrell Street - Planned Unit Development****Kenneth Ryder/Ryder Development, Applicant****DEP File #81-1033****Order of Conditions**

Ms. Schloss told members that she had not prepared draft conditions as yet, pointing out they had 21 days. She would like to prepare a draft for the Board as well as the applicant to review before voting on it, adding she would have it ready for the next meeting. Additionally she would like to have Dr. Wang's input, if the applicant would agree to pay for his services and Mr. Ryder agreed.

The Order of Conditions will be addressed at the next meeting.

**75 Aster Circle - Hearing****Ryder Properties****Map 28, Block 361, Lot 1****Request for Determination of Applicability**

Mr. Kenneth Ryder, Applicant came before the Board along with his representative from Sitec, Al Trakimas, PE.

Chairman Thompson noted that the project called for the installation of a sewer line that would serve an existing house located at 75 Aster Circle.

Mr. Trakimas reminded members that they had a preliminary discussion about the project earlier this Summer at which time it was determined that a Request for Determination would be adequate for this work. To recap, the single family house at 75 Aster Circle has been there a number of years and is now being sold, but the septic system would not pass the Title 5 inspection. He felt the cleanest solution would be to provide a new sewer connection to Aster Circle. He noted that the wetland line has already been delineated and approved by the Commission with Dr. Wang's input. They now would like to decommission the present septic system.

Ms. Schloss recommended a Negative 3 Determination with erosion controls, adding she would inspect the site prior to any digging being done.

The hearing was opened to the public.

Lisa Wiklund, 81 Aster Circle stated she was worried about the damage to the root system to her tree when construction takes place.

Mr. Trakimas told her that they would personally make sure there was no damage.

Mr. Tom Hayes, 70 Aster Circle was the next speaker. He asked about the equipment that would be used and blasting.

Mr. Ryder told him he planned on using a loader/backhoe with rubber tires, adding that no blasting was anticipated.

Mr. Hayes then asked what would happen if they unexpectedly ran into ledge and Mr. Ryder assured him there would be no blasting, adding if necessary they might be digging a 3' trench - but this would be done by hand.

Cmmr. Coven moved to issue a Negative 3 Determination, based on the recommendation of the Administrator.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

**Cottage Lane - Hearing****Stephen Gosselin****Map 28, Block 361, part of Lot 1****DEP File # 81-1045****Notice of Intent**

Cmmr. Murphy moved to open the public hearing for Cottage Lane, File 81-1045, Stephen Gosselin, Applicant.

Commr. Kent seconded.

UNANIMOUSLY VOTED

Mr. Stephen Gosselin came before the Board along with Mr. Trakimas, PE his representative from Sitec. (It was noted that this parcel is still in the process of being subdivided and was presently still part of the Ryder Development parcel that was to be preserved as Open Space and part of the Tirrell Woods Planned Unit Development).

Mr. Trakimas told members that the lot was being created off of Cottage Lane. He further stated that because of the wetlands in the area they filed an ANRAD/Abbreviated Notice of Resource Area Delineation, which was reviewed by Ms. Schloss, Dr. Wang and approved by the Commission. Now they are before them proposing a single family home. He noted that the closest point of the property and the limit of disturbance is 43 ft. from the wetland, which he pointed out was well beyond the 25 ft. No Disturb Zone. For erosion control plans are to use a siltation fence. Fortunately, he noted, the wetland flagging is still in tact (from the ANRAD) and readable.

Ms. Schloss stated that a many of the neighbors have been dumping yard work/debris at the bottom of Cottage Lane and to help prevent this in the future she was recommending installation of large boulders at the end of the road.

Ms. Schloss went on to point out that there are no storm water improvements on Cottage Lane which adds to the current runoff problem. She was recommending a grass swale to help slow down the velocity and treat the runoff a little bit. She wanted to note that the runoff was not affecting any of the neighbors' property, adding she was just trying to mitigate.

Mr. Trakimas asked about the addition of the boulders and Ms. Schloss said that she would coordinate it with the DPW.

Mr. Trakimas replied 'no problem' re. adding the boulders. He then referred to the drainage runoff from the driveway, stating they were not proposing curbing because it was a residential driveway. He said the land slopes to Cottage Lane - and will have a continuous sheet flow off the driveway. He noted it was similar to the situation on Healy Road, so they could include a 12" wide crushed stone edging along the driveway that will work to dissipate the flow. He said he personally preferred no swale or basin, because it would come much closer to the driveway. He noted that presently there was a gentle slope, so the addition of 12" stone edging should be viewed as an improvement. In closing he noted there would be no sediment going into the wetland.

Ms. Schloss agreed their plan would provide some infiltration and reduce velocity, commenting that worked for her.

Commr. Gowen asked the applicant to inform the neighbors if there was to be any blasting and the applicant agreed to do so.

Ms. Schloss referred to erosion controls, and asked if they could use a silt sock instead of the haybales and silt fence.

The applicant replied 'yes'.

Ms. Schloss commented they would include that in their Orders. She asked the applicant to mark the location of the silt fence.

Cmmr. Coven also wanted the applicant to mark the boundary line that bordered the wetland for the abutters' clarification and Mr. Trakimas explained that it was one of those situations where the land goes from an upland then drops into muck, which clearly defined the wetland.

Cmmr. Coven moved to close the public hearing for Steve Gosselin, File 81-1045, Cottage Lane.

Commr. Gowen seconded.

UNANIMOUSLY VOTED

**Cottage Lane****Stephen Gosselin****Map 28, Block 361, part of Lot 1****DEP File # 81-1045****Order of Conditions**

Cmmr. Coven moved to issue a Standard Order of Conditions for File 81-1045, Cottage Lane.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

**60 Patterson Street - Continued Violation Hearing****Domenic Silvestro**

Mr. Domenic Silvestro came before the Board.

Chairman Thompson asked if Mr. Silvestro hired a wetland consultant to remedy the violation on his property located at 60 Patterson Street.

Mr. Silvestro replied that he had brought in a contractor to remove the sand and at that time he noticed the vegetation coming back. Based on that he asked if he could have a postponement so he could see how the vegetation progresses. He then distributed pictures to the Board.

Ms. Schloss told the members that she spoke with the DPW and they emphasized that the unauthorized retaining wall must come down as soon as possible. Based on this being a priority, she viewed the sand was secondary. It was noted that the wall/sand had been placed adjacent to South Cove of Whitman's Pond, the Town's secondary water supply. She stressed that Mr. Silvestro needed to hire a wetland consultant to explain how the slope should be stabilized the wall is removed, and then a plan needs to be drawn up and submitted to the Commission for approval.

Mr. Silvestro asked about others in the area with piers.

Chairman Thompson told him that was not why he was before the Board this evening, and that any evidence of other wrongdoing can be reported to the Administrator. Tonight he wanted to concentrate on rectifying the violation.

Mr. Silvestro said he first wanted to speak with the DPW then he would return with a plan.

Cmmr. Coven asked if there would be further erosion if the wall was removed.

Chairman Thompson replied that was why Mr. Silvestro needed to hire a qualified person - to provide clear direction and explain how he could comply with the requirements of the Wetlands Rules and Regulations.

Cmmr. Murphy asked 'why go back to the DPW when they have already made their response clear', adding that the Commission also made themselves clear last meeting - again reiterating 'the wall must come out'.

Cmmr. Murphy went on to ask Mr. Silvestro the name of the contractor he used and if he was qualified and Mr. Silvestro responded that he was not qualified.

Cmmr. Murphy told him that he needed to do as he was instructed at the last meeting - and to not continue taking up the Commission's time when they had such a busy agenda.

Mr. Silvestro commented that at the last meeting he was asked to take the sand out - he brought someone in to do that but that person told him that he saw vegetation growing under the sand.

Cmmr. Coven emphasized to Mr. Silvestro that the wall never should have gone up in the first place. Further the Administrator gave him a list of qualified people weeks ago that he could have used to remedy the problem. He then asked Mr. Silvestro 'did you contact anyone on the list?' and Mr. Silvestro replied 'no'.

Chairman Thompson told Mr. Silvestro that by next week he must hire an environmental consultant to prepare a sequencing plan, which would include the removal of the wall and sand.

Ms. Schloss again wanted to reaffirm that Mr. Silvestro was clear on what he must submit a restoration plan prepared by a qualified person before the wall comes down, emphasizing that the Plan is his number one priority.

Cmmr. Murphy also clarified that he was told quite clearly at the last meeting that he needed to hire a qualified wetland scientist and get a plan to the Board right away.

Ms. Schloss wanted to point out that this was delineated in his 8/13/08 Enforcement Order; i. e., that a Restoration Plan must be filed with the Commission by 9/9/08 that would include removal of the wall, etc.

Chairman Thompson told Mr. Silvestro that he must have the plan into the office by next week or if not they would have to take legal action through the Town Solicitor.

At this point Mr. Silvestro said any paperwork re. this property should be forwarded directly to him and gave Ms. Schloss his address.

Ms. Schloss said that the property was registered to Mrs. Cheryl Silvestro. She wanted clarification on this since now Mr. Silvestro is telling her to send any paperwork to his address, which is different from Cheryl Silvestro's.

Cmmr. Murphy told the Administrator to find out who legally owns the property and deal with that person.

The discussion concluded.

**Alexan at Arbor Hill, Burkhall Street - Hearing**

**Trammell Crow Residential**

**Map 42 & 38, Block 467 Lot 2 & 3, Block 469 Lots 2, 21, 22, 23**

**DEP File # Not Available**

**Notice of Intent**

Cmmr. Murphy moved to open the hearing for Alexan at Arbor Hill, Burkhall Street - DEP File 81-1046

Commr. Kent seconded.

UNANIMOUSLY VOTED

Mr. William Seymour, Director, Civil Engineering Div./Gale Associates; Atty. Deborah Horwitz/Goulston & Storrs; Stewart Clark, Registered PD and Project Manager, Donald Schall, Senior Biologist/ENSR were among those who represented the client and were present this evening.

Chairman Thompson noted that this was a new Notice of Intent and involved the construction of 242 units. Further in 2001 a similar Notice of Intent for an earlier version of this project had been filed with the Commission under File 81-807 at which time the project was approved by the Commission, but was appealed. DEP issued a superseding Order of Conditions, which has since expired. Tonight the applicant is back with a new-scaled back proposal in regard to the number of units and the proximity to the wetlands. The new proposal calls for filling two isolated wetlands that fall under the Town's regulations, but not the state's because the areas are too small to fall under the state's Wetland Protection Act. The plan also contains a Storm Water Management Report. Based on the complexity of the project, he told the applicant that the Commission would require the assistance of a Wetland Consultant, which would need to be paid for by the applicant.

Atty. Horwitz began the presentation. She explained that a variety of experts, representing the applicant, would be addressing various topics, including the wetlands. She agreed with the Chairman, that the project had a lot of history including litigation. At this point she felt they were coming to the end of litigation and tonight they are back with a reduced project with reduced impact and she was anxious to move forward with their new plans.

The next speaker was Bill Seymour from Gale Associates who took a moment to introduce the others who were involved in the project including Stu Clark/PE - who would be addressing the drainage, Peter Spanos as well as Don Schall, their wetlands biologist who has been part of the project since the beginning.

Mr. Seymour then gave an overview of the site, which noted that the project involved 29 acres on the top of Arbor Hill, zoned R-4, approved use a 'permitted' portion of the site was rezoned R-2 (transitional). He described the project site as undeveloped, heavily disturbed and filled with debris and rubble - with the back portion being heavily wooded. Surveys were performed and a lot of ledge was discovered. Abutters to the site are primarily multi-family and include condo complexes; i. e., Evergreen, Arbor Hill, The Elms, and Wisteria Point. To the east of the site is a residential neighborhood and to the west a bird sanctuary.

Mr. Seymour went on to say that they were proposing to put a Conservation Easement contiguous with the Bird Sanctuary.

Chairman Thompson asked about a donated parcel and Mr. Seymour replied that there was land that contained a perennial stream, 200 ft. of Riverfront area and a significant wetland, adding the balance is buildable upland.

Chairman Thompson asked how much was buildable and was told about  $\frac{1}{2}$  of the site or about 6 acres.

Mr. Seymour informed members that Wisteria Point was developed by Fox properties and included a lot of impervious area that collected untreated runoff and flowed into a drainage swale. They propose to collect this storm water and treat it to some degree. He then referred to his plans which showed two projects, which were originally approved in 2001 and included 276 units in 26 buildings, 4-stories high. He said that both sides of Burkhall Street were developed with approximately 18 acres of disturbed, altered development. The Zoning Board of Appeals approved the project in 2004 and they have been working with the neighbors reducing the number of units to 242 to be contained within 10 buildings. He wanted to point out that they have reduced the number by 1/3 and left a good sized buffer between the R-1 single family residential area.

The plan now shows both developments, the first that called for developing 7 acres of new impervious surface - the new second one that calls for 5 acres with 242 units or an overall reduction of 31%. The old distance to the resource area was 57'; the new is 112' - just about twice as much. The area of disturbance has been reduced from 18 acres to 10 acres or a 45% reduction.

Mr. Don Schall was the next speaker. He told members that he was present for the original filing. He returned this Summer to reset the flags - and only needed to make some minor adjustments.

Mr. Schall then addressed the different wetland areas; A, B, C & D.

Wetland A: He noted that behind Wisteria Point, Wetland A is not being impacted and no work is proposed.

Wetland C: He said that the area impacted is in the westerly section or Wetland C, the BVW. When it reaches capacity, it will discharge from a channel into a stream. He then pointed out that the two primary wetland areas are not subject to state regulations because they are too small.

Wetland B: This wetland is essentially small, shallow in depth and goes to bedrock. There is very little vegetation here.

Wetland D: This area is foot-shaped and is filled with boulders. It also has a manmade drainage channel that flows to the north. He noted that he hadn't seen a change in the standing water this Summer.

Mr. Schall went on to say that he reviewed the flags on Monday with the Administrator and he made one minor adjustment in "Wetland B". He told members that based on the criteria for a wetland he found adjustments minimal at best, the same with "Wetland D". He noted that there was a higher quality wetland on the north side above the easement which falls within the conservation area. He wanted to point out that all of this information is in the Narrative. He further stated that he discussed mitigation with Ms. Schloss including the wildlife habitat and providing 2:1 replication.

Mr. Schall then referred to the detention pond, viewing it as a deep-water habitat. He explained his criteria regarding the affects to the habitat and addressed the species of the created wetland. He further described the benefits of wetland and habitat including the size. He told members that the slopes would be planted with native vegetation, adding they would provide the species. He said that a forebay is proposed at the lower edge of the detention basin, which would periodically be cleaned. They discussed the requirements for additional mitigation regarding Wetland C. He suggested that within the wetland they would hand pull the weeds.

Chairman Thompson referred to the Storm Water Management standards, noting that they have changed since their first approved project in 2001.

Stewart Clark, Registered PE and Project Manager was the next speaker. Mr. Clark said he would be describing the storm water collection system, noting they have two drainage areas. He explained the process including the collecting water within deep sump, catch basins with hoods, forebays and detention ponds. He said they plan to treat the runoff and remove some of the sediments as well as redirect the flow with regard to Wisteria Point. He noted that there was a lot of bedrock. Additionally, they have provided recharge in the forebays. He then spoke to the 10 Standards and about treating the water in conjunction with Wisteria Point. He said they would also be reducing peak rate of runoff.

Mr. Clark went on to speak to the existing conditions regarding the 25-year storm, explaining the process and their efforts to reduce discharge. He said they have reduced the flow from 29.5 cu. ft. to 15 cu.ft. - emphasizing that it was almost a 50% reduction. He explained that they had designed it with 1" as opposed to  $\frac{1}{2}$ " as required. He noted that the construction documents contained the details. Further the Operation Maintenance Plan would be part of their submission and other required forms would be submitted prior to construction. He wanted to emphasize that there was not a lot of soil to infiltrate water that is why they created the forebays. He added that if during the design process they come up with something better/different, they would address it with the Commission.

Cmmr. Coven asked 'based on the new Storm Water Management requirements and the 5 acres of impervious surface, have you satisfied storm water regulations?'

Mr. Clark replied 'yes', explaining the biggest difference is the rate which is now ".6" instead of ".4", but wanted to note that this is not applicable to them. He further explained that the soils are characterized as "Wetland C & D" soils, commenting that they used "C" soils because they were more beneficial.

Ms. Schloss asked if they did test pits for the forebays and Mr. Seymour told her that two studies were done, but not on top of the forebay areas. He said plans are to go out and test - and then, based on the results, they will adjust the design if it is warranted.

Chairman Thompson commented that if results show it is better to recharge that would be great and Mr. Seymour agreed.

Chairman Thompson stated that they were hoping for some improvements. He then addressed the audience, informing them if anyone was planning on filing an appeal, that person must be an aggrieved party and must have had prior participation in the Alexan proceedings - or have submitted written notice outlining their problem(s) with the project. Again, reiterating that party must have met this requirement to have standing in order to file an appeal.

At this point the applicant submitted the green cards verifying notification to the abutters.

Mr. Seymour pointed out the R-1 property line in relation to the area of disturbance, which was roughly 300 ft. to those present.

Chairman Thompson asked if the applicant could give a summary of the changes re. the old project vs. the new one.



Mr. Seymour noted the changes, and stated the following.

In 2001 the Conservation Commission approved their project; the Zoning Board of Appeals/special permit has approved the current application.

- The original proposal called for 275 units, the present one approved by the Zoning Board of Appeals calls for 242 units.
- The number of buildings has been reduced from 26 to 10.

The state has no jurisdiction over the wetlands filling, because the isolated wetlands are too small.

- In the original Notice of Intent the distance to the resource area was 57', the new distance is almost twice as far or 112'.
- Originally the area to be disturbed was 18 acres, this has been reduced substantially to 10 acres.
- The impervious surface also has been reduced from 7 acres to 5 acres.
- With regard to Open Space that has been increased from 14 acres to 26+ acres - or 47%.
- The distance in the proposed development to the single-family homes has been increased from 74' to 388'.
- Re. drainage discharge - they are mitigating the offsite flow and the rate is being cut from the current 29 cf. to 15.38 cfs - just about in half.
- They have captured the west area and reduced the impervious area by one-half.
- the character of the wetland will be improved re. Wisteria Point - the duration, flow and restriction of the off site flow.
- the discharge is being released at a lower rate.

Mr. Seymour further explained that the flow is flashy today, it moves quickly.

Ms. Schloss referred to the Storm Water Drainage System and recommended that the Commission hire a consultant to review the applicant's Notice of Intent and the Chairman agreed.

Ms. Schloss said she would like to see the applicant supply the following:

- a comparison of the volume of runoff pre and post
- a drainage area map
- additional information on the infiltration requirement

Ms. Schloss added that she was focusing on drainage area #1/Wetland C (potential vernal wetland pool) and its affect on Swamp River. With regard to the square footage of wetland to be altered - the N O I form noted this as B V W (which it is not) and so DEP commented that replication was required per the State regulations. Again she reiterated the applicant would need a Waiver under the local regulations. She pointed out that replication requirements are noted in the Weymouth regs, adding that Wetland C was pretty much the same now as was noted in the original submission and Mr. Schall agreed.

Ms. Schloss then reviewed her 9/10/08 memo to the applicant's representatives Peter Spanos and Stu Clark, which listed 12 detailed items of concern and recapped them for the record. In part they included:

- confirmation of a clean out of the forebay
- a list of the changes she and Mr. Schall made in the field (including change in the delineation)
- a request for a Waiver
- how will the vernal pool be affected and what can be done to avoid/mitigate and minimize the affect
- additional mitigation re. filling of the wetlands
- all maps/drainage plans should be clarified
- volume, pre and post
- documentation to meet the infiltration requirements

Commr. Kent wanted some clarification on the drainage/flow rate.

Mr. Seymour told him that peak rate of off-site flow would be cut in half, but did acknowledge Commr. Kent's point that the volume would increase in reference to Wetland "B".

Commr. Kent then asked about the rate vs. the volume of runoff - noting it had been a big subject of discussion in the past.

The Chairman then opened the hearing to the public.

Mr. Mike Lanatina, 168 Burkhall Street stated that he works at home, sees the bio-diversity of the wildlife there (reptile, birds, coyotes, raccoons) and was concerned about their future. He didn't see this proposal as a 'good deal' for Weymouth and questioned its impact.

Chairman Thompson explained that the Commission is there to protect the resources but also to protect everybody's property rights.

Next speaker was Town Councilor Art Mathews/Precinct 4. He stated that he was before the Commission four years ago for the same project and tonight was back again to voice his concerns. The first he cited was the difference in elevation between the location of the R-4 multi-family units and R-1 the single family homeowners. Additionally the storm water runoff was a concern. He referred to a small brook on the site that overflows when there is significant rainfall. Also its affect re. the access road from Burkhall, adding that storm water mitigation had not been addressed here. He didn't like the filling of the wetlands and the offset with the proposed storm water retention pond. He asked about the safety of the retention pond and wanted to know its depth. He recommended that the Board hire a new peer review person. He then asked about the statistics of a 2-yr. storm. Lastly he questioned the type of drainage system that was being proposed as well as the maintenance of it.

Joy Mulcahey, 120 Burkhall/#5 Wisteria was the next speaker. She also pointed out that she was present for the original filing. She commented that she was impressed with the new proposal, but overall she felt it was essentially the same. She asked that the members look at the big picture and not the financial picture. Lastly she questioned the treatment of the water.

Chairman Thompson explained that there would be no chemicals used and she was glad to hear that.

Ms. Mulcahey asked about 45% of the area being disturbed with Mr. Seymour clarifying that the area of disturbance had been reduced from 18 acres to 10 acres, a reduction of "44%" - and that was most likely what he was referring to.

Ms. Mulcahey noted that they were losing the area behind 110 Burkhall, which provided wildlife habitat.

Mr. Harvey Welch spoke next. He referred to the recharge and the figures from a 25-yr. storm, asking why they didn't use the numbers from the 100-year storm.

Chairman Thompson explained to him that as part of the Storm Water Study the applicant would also be providing the calculations from a 25-yr, 50 yr. and 100 yr. storm. Further the Commission would be hiring a consultant that would verify these figures.

Mary McCauley/118 Tall Oaks Drive, asked if the water would be standing or flowing. She was concerned with the possibility of the site being breeding grounds for the West Nile Virus.

Barbara Popkin, 118E Tall Oaks Drive asked if the applicant could explain the green area and its affect on other buildings/unit. She noted that it was their buffer and asked if work took place there would they be losing their trees and wildlife.

Chairman Thompson wanted to note that this was not a conservation issue, but he would let the applicant speak to it.

Mr. Seymour explained that the buffer area she was referring to was not small as she presumed, but actually 100 ft. wide.

Corrine Ditallia/Evergreen resident asked about the conservation easement and if there would be a change of use in the future with the Chairman replying 'no'.

David Rappaport, 206 Tall Oaks Drive asked about the consequences of increasing the volume/overflow.

Chairman Thompson reiterated that they would be hiring a consultant for these types of questions.

Mr. Seymour explained that there is an emergency overflow. He also took a moment to address Mr. Harvey's question, confirming that the calculations for the 100 yr. storm had been included in their Notice of Intent. He added that any overflow over 100-yr. storm would be addressed.

Ed Harrington/Town Councilor asked when the survey re. the wildlife was done. Then he asked "what's there now, any new species?" He was also concerned with the Town's liability. He next asked about the treatment of runoff and if there was any money set-aside for maintenance.

Nicole Salt, 120 Burkhall Street asked about blasting and Mr. Seymour told her that would be a zoning issue, but added there would be blasting.

Ms. Schloss noted that in 2005 the DEP ruled any complainant must be an aggrieved person with prior participation. She explained that ten (10) residents could file an appeal but one of them must be directly affected. Re. Prior participation - the person must submit their claim in writing to the Weymouth Conservation Commission before the close of the hearing.

Ms. Schloss went on to note that Jerome Marks of Circuit Road submitted a letter listing his concerns, which she read into the record. In it he cited the prior Order of Conditions which included the following restriction; i. e., the flow of water cannot be changed. He also questioned a change in the wetland, wanted examination of the vernal pool, asked about the size of the basin and standing water, fecal contamination, disturbance within the 50 ft. zone, issues with the drainage and lastly he wanted to personally review the Notice of Intent/plan.

Philip Healy, McDougall Court questioned the affect to the wildlife habitat.

Stan Levy also wanted to know about the affects to the Bird Sanctuary, with Chairman Thompson pointing out that the applicant has offered to donate 12 acres of his land to the Bird Sanctuary.

Ms. Mulcahey asked if the attendees identified themselves tonight would that be sufficient to qualify as an aggrieved party and the Chairman told her it would not qualify, reiterating that they would need to submit a written notice to the office before the close of the hearing.

Town Councilor Mathews said that the 10/25/50/100 year storms need to be redefined, because a 25-year storm happens much more frequently now.

Ms. Schloss took a moment to explain the Conservation Commission's charge along with their area of jurisdiction with this project - and the implementation of the Wetlands Protection Act.

Cmmr. Murphy moved to continue the hearing for File 81-1046/Alexan at Arbor Hill to October 22, 1008.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

### **Weathervane Project**

**File 81-756 and 81-963**

### **Request for an Amendment to Orders of Conditions**

Mr. Jim Bristol III, applicant came before the Board along with his representative Don Schall, PE.

Chairman Thompson stated that he visited the site yesterday and noted the applicant was requesting to amend their Orders for the Weathervane Golf Course with regard to modifying the 8<sup>th</sup> fairway by filling in approximately 760 sq. ft.

of an existing swale/wetland. It was noted that the proposed change would increase the frequency of daylighting compared to the prior version of the proposal.

Mr. Schall told members that he was at the site today and based on his past experience he found that the pipe works well with regard to wildlife, adding that lights are an enticement. He said that this would be used more for emergency use. He suggested the use of swales to eliminate water from entering the grates. He commented that he sees Oak and Hemlock there. Lastly he said that he inspected 60,000 sq. ft of mitigation and found it to be a good system that works.

Mr. Bristol said they plan to install pipe through the swale.

Chairman Thompson felt things would work taking into consideration the daylighting, the size of the pipe and the expertise of Mr. Schall.

Ms. Schloss said that the change calls for going from a 15" pipe to an 18" pipe, as well as the spacing of the grates.

Mr. Schall said there were salamanders and bullfrogs there. He noted that although the pipe is smooth, it can accumulate gravel, adding the grates can serve as cleanouts.

Ms. Schloss asked if they were removable and Jim Bristol replied 'yes', adding they are only 1' deep.

Ms. Schloss said they would be adding a whole stretch of pipe that would be 145' long.

Mr. Schall told members that he has seen amphibians use 20'-50' without light.

Ms. Schloss asked if he recommended gravel and Mr. Schall replied 'no', but added "that's what you'll get".

Ms. Schloss said she was concerned with openings and introducing pollutants.

Mr. Bristol described the area as being essentially flat, adding they can keep the swale 3' - 4'.

Ms. Schloss asked if they could keep activity far enough away.

Chairman Thompson commented that he was amazed at the success of the replication area, telling the applicant "you did a great job".

Cmmr. Murphy moved to approve the amendment to the Order of Conditions for the Weathervane project, File #81-756 and #81-963 (which will expire March 2009).

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

#### **Off 611 Pleasant Street**

##### **File 81-954**

##### **Request for a Certificate of Compliance**

Chairman Thompson stated that this project involved a sewer extension. Ms. Schloss verified that the work was done. During her visit the applicants stated they would conduct a general clean up.

Cmmr. Murphy moved to a Certificate of Compliance for File 81-954, Off 611 Pleasant Street.

Commr. Kent seconded.

UNANIMOUSLY VOTED

#### **South Shore Hospital**

##### **File 81-1001**

##### **Request for Approval of a Minor Modification**

The minor modification being requested by the South Shore Hospital involved moving a retaining wall closer to the wetland, but still outside the No Disturb Zone.

Brian Baldwin from the South Shore Hospital was present and he explained that the move and redesign was necessary due to concern about the loading of the vertical retaining wall on the foundation of the parking garage. The sloped wall, made with modular units, would not compromise the foundation.

Chairman Thompson added that the wall was being moved about 12 ft., which again was still outside of the No Disturb Zone.

Ms. Schloss said that the approval of the proposed work/minor modification could be done via a letter. She also noted that they established a new erosion control line. She told members that she recommending approval of the modification.

Cmmr. Coven moved to approve the minor modification to the South Shore Hospital, File 81-1001.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

#### **431 Union Street**

**Map 55, Block 601, Lot 10**

#### **Ratification of Enforcement Order**

Chairman Thompson recused himself from discussion of this matter, as he was a close abutter to the property.

Cmmr. Murphy took over the Chairmanship and addressed the Ratification of an Enforcement Order issued by the Administrator for unauthorized work at the stream at 431 Union Street.

Mr. John Clancy, owner of 431 Union Street, came before the Board.

It was noted that Mr. Clancy who owned the property at 431 Union Street and had performed unauthorized work in the stream.

Ms. Schloss told members that Mr. Clancy had been plagued with drainage problems, describing his property as being at the bottom of the hill. She explained that Mr. Clancy told her to keep water from entering his property he constructed a cinder block wall. She told him that it must come down, and then she was notified that the wall had come down, but the stones were being placed on the bank. Based on this illegal action she issued an emergency Enforcement Order (with Commr. Kent's signature). Now she needs the Board to ratify it.

Mr. Clancy told the Board that the stone was originally there, adding he removed the cinder blocks when Ms. Schloss asked him to.

Cmmr. Murphy asked how long the stones had been there and Mr. Clancy replied '7 years'.

Cmmr. Murphy pointed out that some of the stones were clearly new.

Discussion took place on what stones were new and which were old.

Ms. Schloss described the location of the stream, which she said crossed Union Street flowed up Liberty Street to Weathervane and then to Old Swamp River (originally from the Base).

Cmmr. Murphy moved to ratify the Enforcement Order as of 8/29/08.

Cmmr. Coven seconded.

Discussion: Commr. Kent said that he visited the site, and it also appeared to him that some of the stones were new. He recommended that Mr. Clancy be required to submit a Notice of Intent to restore the property.

UNANIMOUSLY VOTED

Ms. Schloss wanted to point out that there were some pipes that went into the wetland that were never approved.

Commr. Kent emphasized to Mr. Clancy that he needed to return the property to its original state.

Commr. Murphy said he visited the site and saw 200 ft. of fresh rock.

Commr. Coven moved that the Administrator meet with Mr. Clancy at the site and determine which rocks are to be removed along the border of the bank by 9/22/08.

Commr. Kent seconded.

UNANIMOUSLY VOTED

#### **Conservation Report**

Ms. Schloss reported that she received notification of the Fall MACC Conference.

Next she reported that she received a decision from the Army Corps of Engineers re. Mr. Joe Ciarlone's dock located at 200 River Street. She informed members that the Army Corps of Engineers does not allow this project.

#### **Approval of August 13, 2008 Minutes**

Commr. Coven moved to approve the amended minutes of the 8/13/08 meeting.

Commr. Kent seconded.

UNANIMOUSLY VOTED

#### **Other Business**

Ms. Schloss updated members that through Jim Clarke's efforts there would be a **clean-up of Great Esker** in the area located at Rt. 3A/Lowe's on Saturday 9/19/08 from 8:30 AM to 12 Noon. She said that Lowe's has donated supplies as well as some help to remove Knotweed, add mulch and paint the fence. All are invited to help.

#### **Wetland Violation at 38 Hickory Lane**

Next Ms. Schloss reported that a wetland violation has taken place at 38 Hickory Lane and an Enforcement Order may be issued.

#### **CPC Update**

Commr. Coven reported that a piece of property located on Summer Street within 45 ft of a wetland might be purchased with the approval of CPC. He said that possibly the Conservation Commission could give some input. He described the property as being located by the entrance of Pond Meadow Park.

Commr. Coven moved to support the purchase of the wetland located on Front Street, by the entrance of Pond Meadow Park.

Commr. Murphy seconded.

UNANIMOUSLY VOTED

#### **Adjournment**

Commr. Murphy moved to adjourn at 11:09 PM and to meet again on September 24th, 2008 at 7:30 P. M. at the Weymouth Town Hall/Town Council Chambers.

Commr. Gowen seconded.

UNANIMOUSLY VOTED

Respectfully submitted,

Susan DeChristoforo  
Recording Secretary

APPROVED: \_\_\_\_\_  
Scott Coven, Clerk

DATE: \_\_\_\_\_