

WEYMOUTH CONSERVATION COMMISSION
Town Hall Chambers
September 26th, 2007 Meeting

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

ALSO PRESENT: Conservation Administrator, Mary Ellen Schloss

Chairman Thompson called the September 12th, 2007 meeting of the Conservation Commission to order at 7:38 PM.

Minutes: July 18, 2007 and August 15, 2007 for signature

Minutes were signed as requested.

File #81-820 - MWRA

Request for a Certificate of Compliance - Continued

Cmmr. Murphy moved to open discussion re. a Certificate of Compliance for File 81-820/MWRA.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Christina Hoffman/Metcalf & Eddy came before the Board. She told members that the project has been completed, which included connecting the sewer and restoring the required areas. She then provided pictures for the Board's review. She also noted that restoration along the beach resource was complete, adding that she has been working closely with the Administrator on the shellfish area and the area to be re-seeded. Lastly she reconfirmed that everything should be in order with the exception of the Benzonite issue which she hoped to resolve/finalize by phone with Ms. Schloss.

Chairman Thompson confirmed that there would be some mitigation including the clam plantings.

Ms. Schloss said she was fine with the other restoration issue, noting that the applicant has re-seeded a number of times.

Chairman Thompson opened the hearing to the public. No one spoke.

Ms. Schloss then gave Ms. Hoffman a copy of the email she received from the Ma. Division of Marine Fisheries with their comments, adding that they had been down to look at the area. In reference to their comments, she noted that they used the same methodology they have used in the past. At this point their dollar number for mitigation is \$15,700, which took into consideration the loss of habitat over a long term, adding 20% of the original amount of clams over an annual basis. She commented that she felt it was a conservative estimate - but quickly added the final figure included took into consideration the cost over a 20-year period. She reminded members that the final decision re. the amount of mitigation monies would be theirs.

Ms. Schloss went on to say that the area has been impacted for a period of four years, but if the Board would like to extend that time period over 20 years that would be up to them.

Chairman Thompson asked if the area was presently open for shellfish.

Ms. Schloss replied that it was restricted, but that the shellfish beds were presently closed because of the high bacteria count.

Commr. Kent commented that the State has refused to open a number of the shell fish beds in Weymouth.

Ms. Schloss explained that the contamination was due to a long history of sewer overflows. She noted that the Harbormaster would be overseeing this. She told members that they might want to consider the cost of the Harbormaster's time when arriving at a fair mitigation figure. She said that the Div. Of Marine Fisheries number for seeded clams was 210,000.

Chairman Thompson said he would first like to hear from the Shellfish Warden before making any decision. He commented that the applicant had done some good work, but before making a final decision he reiterated that he would like to speak with the Shellfish Warden.

Commr. Kent moved to continue the request for a Certificate of Compliance re. File 81-820 to allow for a response from the Shellfish Warden.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

File #81-1011 - 85 Queen Anne's Drive

Request for a Certificate of Compliance - Continued

Commr. Murphy moved to open discussion re. the request for a Certificate of Compliance re. File 81-1011.

Cmmr. Kent seconded.

UNANIMOUSLY VOTED

Ms. Schloss informed the members that all was in order, although there was a small area that needed to be stabilized with vegetation, which will be taken care of.

Cmmr. Murphy moved to approve the Certificate of Compliance for File 81-1011, 85 Queen Anne's Gate.

Commr. Kent seconded.

UNANIMOUSLY VOTED

File #81-918 - 24 Ryan's Way

Request for a Certificate of Compliance

Commr. Kent moved to open discussion re. the request for a Certificate of Compliance for 24 Ryan's Way, File 91-908.

Cmmr. Murphy seconded.

UNANIMOUSLY VOTED

Ms. Schloss reminded members that this proposal was for an above ground swimming pool. She said she made her site inspection and everything looked fine. She was recommending the Certificate of Compliance be approved.

Cmmr. Murphy moved to issue a Certificate of Compliance for File 81-918, 24 Ryan's Way.

Commr. Kent seconded.

UNANIMOUSLY VOTED

Request for a Certificate of Compliance

File 81-1016 - Verizon Conduit

Bridge Street

Commr. Murphy moved to open discussion re. the request for a Certificate of Compliance re. File 81-1016 for a Verizon Conduit.

Cmmr. Kent seconded.

UNANIMOUSLY VOTED

Ms. Schloss reported that in making her site inspection she found that most of the work had been done as proposed, the erosion controls just needed to be removed. Once this was done she was recommending approval.

Cmmr. Murphy moved to issue a Certificate of Compliance for File 81-1016 upon removal of the erosion controls.

Commr. Kent seconded.

UNANIMOUSLY VOTED

55 Pine Street – Progress Report

Mr. Mills, Owner of 55 Pine Street came before the Board.

Chairman Thompson commented that upon a site inspection he noted more plantings had taken place.

Mr. Mills acknowledged this was correct and then submitted his plan to the Chairman.

Chairman Thompson went on to note that he observed a variety of plantings including raspberry and blueberry bushes and Pines. He asked Mr. Mills if there were also Dwarf Willows there.

Mr. Mills acknowledged that there were.

Ms. Schloss told members that she felt Mr. and Mrs. Mills did an admirable job with the plantings. At this point they still need to determine how far the lawn goes down to the river. She checked with the Chairman to see if the Commission would like to leave that decision in her hands.

Chairman Thompson replied 'yes', adding that he agreed with Ms. Schloss and wanted to commend the Mills on the admirable job re. the plantings.

Chairman Thompson emphasized that Mr. and Mrs. Mills have to stay compliant with the Wetlands Rules and Regulations and they must also submit the appropriate paperwork, adding so far it looked good.

Mr. Mills proposed to measure the area/distance for the lawn.

Ms. Schloss noted that the property had been developed a long time ago and asked Mr. Mills how far down did the lawn extend to the river, adding they were looking for a buffer.

Mr. Mills explained that the lawn did go to the river and at this point he was trying to bring it back up.

Ms. Schloss replied that if they have native plantings for the buffer, then she felt it would be fine.

Chairman Thompson then asked Mr. Mills how much lawn he wanted and he responded I'm flexible.

Chairman Thompson confirmed that the plantings would include blueberry and raspberry bushes, shrubs and arrowwoods.

Ms. Schloss told members she would work further with Mr. Mills on this.

Commr. Kent asked Mr. Mills what his neighbors felt about the work.

Mr. Mills replied that they didn't seem to care, adding others in the area are also losing land, some more than he is. He told members that the trees have even caved into the brook.

Ms. Schloss referred to the Certificate of Compliance and told members that typically they wait until the area has stabilized, noting that there is a disturbed area behind the house - about 120-ft. She suggested putting haybales there to stabilize the area through the Winter.

Chairman Thompson asked Mr. Mills if he planned on selling the house and Mr. Mills replied 'not right now - possibly some time in the future'.

Based on that comment Chairman Thompson didn't see the Certificate of Compliance being needed right away.

Ms. Schloss commented 'then we can wait'.

Mr. Mills told the Board that he was apprehensive about spreading the loam and not having it stabilized. He asked 'how much do I need to get me through the Winter?' He said he wanted to be clear on what he needed to do so all would be in agreement and be happy.

Chairman Thompson stated that when he visited the site, the area appeared to be relatively stable.

Ms. Schloss noted that the yard does slope to the river, adding that she and Mr. Mills could talk more about it. She commented that it has been like that for some time and Mr. Mills agreed.

Ms. Schloss suggested some kind of erosion control line.

Chairman Thompson felt that the haybales would suffice.

It was agreed that they would use hay bales.

83 Alroy Road/Ann Scott - Violation Hearing

Ms. Schloss told members that the owner of 85 Alroy Road has encroached on town-owned land/buffer zone without permission and the neighbors have called her complaining about the illegal work. Additionally the property owner is cutting wood, but acknowledged this was a non-conservation issue. She stated he was trying to build a garden on town-owned land. She told the Board that she had written the owner almost a year ago, but received no response. She felt that Bob O'Connor/DPW Director could possibly get a survey crew out there to mark the proper lot line.

Chairman Thompson was also in favor of sending a letter from the Conservation Commission to Town Solicitor George Lane requesting, he in turn, send a letter to the property owner to address the violation and to send a Cease and Desist. In addition he requested the Administrator send a letter to the DPW Director to have the boundary delineated and lastly, to call the owner before the Board so that they could address the violation.

It was noted that the property was owned by Ann Scott and the work was being done by her partner John Daniels.

Ms. Schloss confirmed that although they have been advised of the violation, they are ignoring the issue, adding that the Fire Department has also advised them of violations.

Ms. Schloss gave a further history of the site, stating she sent a letter to Ms. Scott in May of this year. She noted that she received the first resident complaint about 9 months ago. She said that there has also been illegal fill there for some time. It was agreed that the survey would be done first and that the Administrator would keep the Board updated.

Other Business

Minor Modification Request from URS

Ms. Schloss reported that she has received a request for a 'minor modification' from URS at Weymouth Neck for Lots 24 and 25 and 300 River Street. She explained that the original plans did not call for any drainage off River Street - but now they have found a lot of unexpected water/runoff and they need to deal with it. She reminded members that URS had come in earlier this year for previous minor modification to add swale/catch basin, which the Board approved. At this point URS felt it would be best if they pipe it all instead. She pointed out that their Town Engineer is fine with it.

Lisa Stokes Update

Ms. Schloss told members that she received a call from Mrs. Stokes and she would like to have the file closed, as they are now ready to wrap up the project that has rectified the violation.

Cmmr. Murphy said he visited the site and found that a lot of costly work had been done - as required by the Commission.

At this point Ms. Schloss distributed pictures of the site/work that had been done. She noted that the restoration work is complete and is functioning. She found the replication to be fairly dry, adding she didn't think all of the area was covered with 75% wetland plants, but at this point she wasn't that concerned.

Members were essentially in agreement that the file could now be closed.

Ms. Schloss told the Board that she didn't think a Certificate of Compliance was ever issued for the Stokes property, adding that Ken Ryder was the developer. She went on to point out that the last part of the Enforcement Order calls for a report from the Wetlands Scientist who performed the work. When she spoke to Mrs. Stokes about this, Ms. Stokes said the report would be very costly.

Members discussed the need for the report, and it was agreed that they would like to see her Wetlands Biologist John Richardson come in before the Board and address what was done and his present findings.

Chairman Thompson thought Ms. Schloss might want to speak directly with John Richardson - and possibly see what the fee would be for this Enforcement Order requirement.

Ms. Schloss commented that a 'walk-through' would be fine with her.

Chairman Thompson said if it is costly they can speak further about it.

Ms. Schloss agreed to make the call.

Summer Woods/Autumn Lane

Ms. Schloss told members they had a bad slope failure at Summer Woods/Autumn Lane, noting that one lot is undeveloped. At this point they are looking for a 3rd or 4th extension. She felt that due to the number of years that has passed since the original delineation in 2000, the wetland should be reflagged. She said there has been a lot of development in the area since that time and the delineation could have changed.

Chairman Thompson pointed out that according to the Regs delineation is only good for a period of three (3) years, so he felt the request for a new one was in order.

Ms. Schloss said if there is a difference in the delineation line, they might want to consider requesting a new Notice of Intent.

Fall MACC Meeting

Ms. Schloss told members that the next MACC meeting will take place on October 20th at Mass. Bay Community College in Wellesley, adding there would be some training opportunities for members. She noted that Cmmr. Coven would be attending some of the classes.

Ms. Schloss then distributed a handout, on a proposed bill "Improving Enforcement of Local By-Laws" - in District Court that she obtained while attending the MACC Day at the State House.

Next Ms. Schloss addressed another bill regarding town-owned land that is Conservation land. She noted that if the Town wants to use Conservation land for another purpose, it requires a 2/3 vote of the state legislature. She explained that this newly proposed Bill states if the town wants to do this, they will need to provide replication land with Conservation value.

Conservation Signs

Commr. Gowen asked the Director if she had any wetland resource sites she would like to pursue and Ms. Schloss replied 'yes'. She said they were looking at this for CPC. She spoke about a parcel of land between South Shore Hospital and Middle Street. She offered to send the members a map outlining potential access to this land.

Conservation Signage

The Chairman said he was a strong supporter of signs. Members discussed House Rock Park, with Ms. Schloss adding that she agreed with the use of Conservation signs too.

The October 10, 2007 meeting will be held at Weymouth Town Hall/Town Council Chambers at 7:30 PM.

Adjournment

Cmmr. Murphy moved to adjourn at 8:35 PM.

UNANIMOUSLY VOTED

Respectfully submitted,

Susan DeChristoforo
Recording Secretary

APPROVED: _____
Scott Coven, Clerk

DATE: _____