

**WEYMOUTH CONSERVATION COMMISSION**  
**Town Hall Chambers**  
**October 10, 2007 Meeting**

**PRESENT:** John Thompson/Chairman, Cmmr. Scott Coven/Clerk and Cmmr. Jeff Kent

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

Chairman Thompson called the October 10th, 2007 meeting of the Conservation Commission to order at 7:35 PM.

**Minutes: September 12, 2007**

Members agreed to table the minutes until later in the meeting.

**File #81-820 - MWRA**

**Request for a Certificate of Compliance - Continued**

Ms. Schloss informed members that the MWRA has requested a continuance re. their request for a Certificate of Compliance. She went on to note that they had OK'd all the information received regarding the resource area, but there is still an outstanding issue in regard to the release of bentonite. She told members that she has run this issue by the Division of Marine Fisheries and they responded with a concern about shellfish seeding. There was a suggestion from the Weymouth Harbor Master they seed shellfish at the Yacht Club and boat ramp, in addition to Laundry Cove - with some discussion about having the MWRA increasing the amount of mitigation money for this purposes - possibly in the area of \$1,000.

Chairman Thompson noted that there was a big difference of opinion regarding DMF's comments re. the mitigation monies as compared to that of Cashman's. At this point they are giving them some extra time to come up with a better and more cost effective way to do it. At this point DMF is looking for a total of approximately \$15,000 and the Cashman representatives were scientists thinking more along the line of \$2,000.00, but their scientists will be filing a formal response.

Ms. Schloss told members that she will get the report from the Cashman scientists.

Cmmr. Coven moved to continue the request for a Certificate of Compliance from the MWRA to the next meeting.  
Commr. Kent seconded.

UNANIMOUSLY VOTED

**File 81-885 - Lot 2, Summer Woods**

**Request for an Extension (#3) to Order of Conditions**

Chairman Thompson took a moment to update members on this project, stating that originally the developer had been issued a 3-year Order of Conditions and at the end of the three years was granted an extension for a period of another three-years and at the end of that time period another extension for a one-year period was granted. At this point they are seeking a 3<sup>rd</sup> extension request (for one-year). It was noted that the delay has come about due to the owner having a difficult time selling the lot, so the proposed work never began. He felt that because it has been 7 years since the project was before the Board, a new reflagging of the wetlands was in order. He felt that once the area was reflagged and it verified that the wetland line had not changed, another extension would be in order - but if this is not the case, then the Board would need to decide at that time in which direction to go.

Commr. Kent moved to require the owner reflag the property before the Commission decides on another extension.

Cmmr. Coven seconded.  
UNANIMOUSLY VOTED

Ms. Schloss said she would notify the applicant of the Board's vote.

### **78 Prospect Hill Drive - Public Hearing**

**Applicant: Eileen Miller**

**Map 3, Bl 4, Lot 26**

**DEP File 81-1020**

**Notice of Intent**

Cmmr. Coven moved to open the public hearing for File 81-1020, 78 Prospect Hill Drive.

Commr. Kent seconded.

UNANIMOUSLY VOTED

Mr. Darren Grady/Grady Consulting representing the applicant Eileen Miller, who was also present - addressed the Board. He told members the proposal called for a dock on the Weymouth Fore River. It would be 150 ft. long with a 30-ft. ramp. He explained that the elevation was high enough to maintain a 1:1 ratio, with a minimum of 5 ft. to the mean high water. The construction and placement of the dock would allow for sufficient light under the dock. Construction would be done from a barge and will include 8 pilings, including those on riprap.

Mr. Grady wanted to point out that there were two docks adjacent to theirs - one is 78 ft. and the other is 280 ft., informing members that there is no boat movement from the other docks.

Chairman Thompson asked Mr. Grady what he felt would be the largest impact to the resource area if the dock was approved.

Mr. Grady felt that it would possibly be the shellfish, but quickly added that the Harbormaster tells him they are not being harvested there because they are below mean low water. He wanted to note that Mr. Milone/HM had no problem with the dock.

Ms. Schloss interjected that she had spoken with the Harbormaster and he told her that the shellfish there are not harvested that much, because they were not that easy to get to. She stated that she has left Mr. Milone some messages, because she wants to be clear on why he differed with the opinion of the Div. Of Marine Fisheries.

Ms. Schloss then gave the members a handout from the Division of Marine Fisheries which noted what they felt about the impact of the work to the shellfish and winter fish - citing shading impacts and the float as well as questions re. the salt marsh and future additional growth. She noted that the area was rocky with coarse sand, adding that she didn't see the dock as having an impact on that.

Chairman Thompson wanted to know if there were any comments re.  $\frac{3}{4}$ " vs.  $\frac{3}{8}$ " difference in the timber spacing construction of the dock, with Ms. Schloss commenting that she felt  $\frac{3}{4}$ " spacing with wood would do.

Mr. Grady replied that  $\frac{3}{8}$ " spacing for Trex lumber was recommended, adding that he is looking into aluminum planking as well.

Chairman Thompson interjected that he didn't see the difference having any affect on the sun light getting in there.

Mr. Grady noted that the dock on the right is a distance of 280 ft. away.

Commr. Kent again commented that it looked fine to him.

Cmmr. Coven said his only issue with the proposal was the conflicting info between the Harbormaster's viewpoint and that of the DMF - but quickly added that he realized the Harbormaster was more familiar with the area.

Commr. Kent told members that the nearest area with shellfish was the 'Cove', which is  $\frac{1}{4}$  of a mile away - above low water and a lot different.

Chairman Thompson asked if there were any concerns about having a large boat there and Mr. Miller told members that he has a 32' boat and he has a friend has a 50' Hetaeras who may bring it there as he usually comes to visit him about once a year.

Commr. Kent said he didn't see any issue with that.

Ms. Schloss referred to the DEP guidelines, then referred to DMF's comments re. the size of the float.

Commr. Kent said they could do it with 3 ft. of water, but anything lower would be a risk.

Ms. Schloss asked if the size of the float could be reduced to less than 40 ft.

It was noted that this float was 600-sq. ft. and the Commission had recently permitted one that was 800 ft. in that area.

DMF comments took into consideration the fish spawning and its cumulative impact.

Chairman Thompson pointed out that the Commission could not approve one and then refuse another, emphasizing that they need to keep that in mind and in regard to future requests - emphasizing they shouldn't have selective enforcement. He wanted to note that there was nothing in the law that says they can't have a pier or a float.

Ms. Schloss asked if they wanted to give some thought about residents 'sharing a dock'.

Chairman Thompson said they could think about it for the future, understanding the cost factor.

Mrs. Miller didn't think that the other dock owners would want to do that as presently one has a small dock and the other seemed to be all set with the size of his dock.

Cmmr. Coven reiterated that he would like the Commission to think about these alternatives for the future and give it more thought/discussion - possibly coming up with a definitive way to approach this. He asked 'what is the impact for all to have their own dock'.

Chairman Thompson and Cmmr. Coven continued this discussion - with the Chairman citing that they also need to take into consideration people's rights vs. protection of the resources, realizing it was a delicate balance.

Cmmr. Coven said he would like to talk further with the Harbormaster and the Div. Of Marine Fisheries about their comments/viewpoints.

Chairman Thompson commented that growing up on the waterfront; he had yet to see any negative impacts to the shellfish/resources because of docks.

Ms. Schloss recommended that cross bracing be done at the high water mark.

Mr. Grady explained that it is between two piles all the way down - across about 4 ft. above the high water mark.

Ms. Schloss asked about the pilings they would use and Mr. Grady said that theirs will be Fiberglas or if not, a recommended material used most often to keep the environment safe.

Ms. Schloss also wanted to note that when storing the float, it should not be dragged across the marsh. Additionally, she wanted to remind the applicant that they must comply with federal and state regulations (Ch. 91/Army Corps of Engineers) - and obtain the permits that are required. - and giving a copies of those documents to the office for their files prior to construction.

Chairman Thompson asked when they planned to start the work and Mr. Grady replied that it would be based on having all their approvals and permits in order, which usually take 6-9 months.

Ms. Schloss wanted to be assured of the stability of the coastal bank.

Mr. Grady informed her that they are stabilized primarily by the piers.

Chairman Thompson referred to storage of the equipment on the salt marsh (recommended Condition #31) and Mr. Grady estimated this would take about 2 days.

Chairman Thompson commented that he didn't see any cumulative impact for that short period of time.

Mr. Miller told members that Tern Harbor has agreed to store the dock for him off-season.

Commr. Kent moved to close the public hearing for File 81-1020/78 Prospect Hill Drive.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

**78 Prospect Hill Drive**

**Applicant: Eileen Miller**

**Map 3, Bl 4, Lot 26**

**DEP File 81-1020**

**Order of Conditions**

Cmmr. Coven moved to issue a Standard Order of Conditions, plus the special conditions recommended by the Administrator with the exception of conditions 33 and 37 and the addition of a condition that will note it will be 'preferred that the barge used for construction of the pier, not be grounded'.

Commr. Kent seconded.

UNANIMOUSLY VOTED

**File 81-962**

**16 Back River Road**

**Request for an Extension to Order of Conditions (#3)**

Ms. Schloss distributed photographs of 16 Back River Road for the members' review.

Chairman Thompson updated the status of the project, referring to the boulders that were there. He said they would have to be removed or the owner would need to file a new Notice of Intent.

Ms. Schloss reminded members that they had issued an Order of Conditions for a period of one-year. At that point the owner came in for an extension for the purpose of repairing a section of his property that had been failing. Recently she sent out a letter to several residents in Town with lapsed Order of Conditions - noting that the Commission is now issuing Conditions for 3-years as opposed to one-year.

Mr. Andrew Keenan of 16 Back River received his letter and spoke with her and contacted her stating that he wanted to go forward with their plan as originally presented. He explained that he was not able to complete his project due to financial difficulties - but things are better now and he would like to move forward.

Commr. Kent moved to extend the Order of Conditions for File 81-962 for a period of one year.

Cmmr. Coven seconded.

UNANIMOUSLY VOTED

Ms. Schloss told members that he planned on renting the equipment and doing the work himself on the weekends, adding that he was an experienced machine operator.

Commr. Kent agreed to monitor the weekend work.

It was agreed that Mr. Keenan would post the DEP sign as required.

#### **Jim Clarke Question**

At this point Mr. Jim Clarke asked the Commission for an update on the MWRA Certificate of Compliance request..

#### **NEW BUSINESS:**

##### **CPC Proposal re. Conservation Land**

Ms. Schloss distributed a map that outlined various contiguous parcels amounting to over 100 acres of Conservation land in the vicinity of Route 18 - including a Bird and Wildlife Sanctuary (adjacent to Weymouth High School). She told members that she had walked the site, but did not find any trails or signage, although some of the area had access from the High School. She also found much of the conservation land in the area of Weymouth High School a lot wetter. She told members that she would like to submit a proposal to the Community Preservation Committee under the Open Space designation regarding this land in hopes of developing trails. She informed members that Laura Harbottle has volunteered to work on this proposal for them.

Cmmr. Coven wanted to know if the proposal would be specifically for a walking path.

Ms. Schloss replied that first they would need to give more time to exploring the area. She said she wasn't sure if there were any trails, but she did not see any in the small section that she walked.

Ms. Schloss then distributed information re. another 36 acre parcel of conservation land that included vernal pools, but emphasized the site had no public access and was located in the 'Birches'. Next, she distributed info on a third tract, also with vernal pools and upland and the last handout she gave members for their review was in the area of House Rock Park.

Ms. Schloss told members she would look into filling out the CPA form and possibly set aside time for additional discussion on this subject at a future meeting. It was noted that the CPC is mandated to expend 10% of the funds on Open Space, Historical and Low Income Housing - and their proposal would fall under the category of Open Space.

### **Approval of September 12, 2007 Minutes**

Cmmr. Coven moved to accept the 9/12/07 minutes as amended.

Commr. Kent seconded.

UNANIMOUSLY VOTED

### **2007 Meeting Schedule**

The next meeting will be on October 24<sup>th</sup>, 2007. Due to the upcoming holiday season the Commission will plan to meet once only in November; i. e., November 14, 2007 and once in December; i. e. December 12<sup>th</sup>.

### **New Business**

Ms. Schloss reported on projects under construction:

**1: DPW - Great Pond Water Treatment Plant** is moving forward.

- The Lagoons Decommissioning Project is in Phase 2 with some changes
- Re. Lagoon 4 - they will mechanically excavate it and build the road as they go out (there is wetland vegetation there).

Ms. Schloss continued to give details re. the status of the DPW project, adding that they would be giving her a Restoration Plan.

**2: Legion Field** - work here will be starting up again and they will be removing some of the fill. They are trying to complete the work in 3-4 weeks, with the Town utilizing a consultant engineer for oversight.

Chairman Thompson asked Ms. Schloss if there was any evidence that the plan would work and she responded 'definitely' and went on to explain the process.

### **3: Status of MBTA work**

- East Weymouth Station - this project is well underway and has a 10/31 completion date. She planned to monitor the work at the East Weymouth Station due to its close proximity to the Herring Run/area.
- Weymouth Landing Station - Ms. Schloss spoke about the daylighting of Smelt Brook.

**4: Single Home Project. 17 Beach Street** - this construction work is underway and is being done in a sensitive area. This will also be monitored.

### **Weathervane Update**

This project also looks good and she expects them to be in soon for a Partial Certificate of Compliance.

### **Status of Enforcement Order Projects:**

#### **Woodcrest Court Condominiums**

Ms. Schloss spoke about the Enforcement Order re. the Woodcrest Court Condominiums on Main Street. She reported that they have completed the work as required, although there is still some work left re. the boulders, but she felt all in all it looked good.

**Stokes Update**

Ms. Schloss reported that the mitigation work has been completed with 75% wetland coverage. She visited the site with John Richardson and found a large area had been taken over by one plant called "Beggars Ticks". The plant is very tall and has crowded out the shrubs and killed some ferns. She commented that over time the area/vegetation there may change. She noted that the White Cedar was doing fine and overall she found it to be a healthy, functioning wetland. She is expecting that they will be requesting a Certificate of Compliance in the near future.

**The October 24th, 2007 meeting will be held at Weymouth Town Hall/Town Council Chambers at 7:30 PM.**

**Adjournment**

Commr. Coven moved to adjourn at 9:08 PM and to meet again on Wednesday, October 24, 2007...

Commr. Kent seconded.

UNANIMOUSLY VOTED

Respectfully submitted,

Susan DeChristoforo  
Recording Secretary

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

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