

**CONSERVATION COMMISSION
RECORD OF MINUTES AND PROCEEDINGS
WEYMOUTH TOWN HALL COUNCIL CHAMBERS**

October 14, 2009

PRESENT: George Loring, Commissioner
Adrienne Gowen, Commissioner
Steven DeGabriele, Commissioner
Laura Harbottle, Commissioner
Scott Dowd, Commissioner

ALSO PRESENT: Mary Ellen Schloss, Conservation Administrator

Commissioner Loring called the October 14, 2009 meeting to order at 7:30 PM in the Council Chambers of Weymouth Town Hall.

Organization

Chairperson

Cmmr. DeGabriele nominated Cmmr. Loring to the position of Chairperson and was seconded by Cmmr. Dowd. Cmmr. Loring accepted the nomination. UNANIMOUSLY VOTED.

The Commission voted UNANIMOUSLY to APPOINT Cmmr. Loring as Chairperson of the Conservation Commission.

Vice-Chairperson

Cmmr. Harbottle nominated Cmmr. DeGabriele to the position of Vice-Chairperson and was seconded by Cmmr. Dowd. Cmmr. DeGabriele accepted the nomination. UNANIMOUSLY VOTED.

The Commission voted UNANIMOUSLY to APPOINT Cmmr. DeGabriele as Vice-Chairperson of the Conservation Commission.

Clerk

Cmmr. Dowd NOMINATED Cmmr. Harbottle to the position of Clerk and was seconded by Cmmr. DeGabriele. Cmmr. Harbottle accepted the nomination. UNANIMOUSLY VOTED.

Cmmr. Harbottle noted that she is currently serving on the Community Preservation Committee (CPC) in an appointment by the Mayor. She stated that she would like to take on the position of Clerk.

The Commission voted UNANIMOUSLY to APPOINT Cmmr. Harbottle as Clerk of the Conservation Commission.

Liaison to the Community Preservation Commission (CPC)

Cmmr. Dowd NOMINATED Cmmr. Harbottle and was seconded by Cmmr. DeGabriele. Cmmr. Harbottle accepted the nomination. UNANIMOUSLY VOTED.

Cmmr. Harbottle noted that scheduling for this additional meeting will be difficult but she is willing to take on this position temporarily.

Cmmr. Dowd noted that he is not available to take on an additional meeting commitment.

Minutes for approval and signature

8/12/09 minutes for signature, 9/9/09 for review and approval

Cmmr. DeGabriele noted that his first name is spelled "Steven". Ms. Schloss stated that on page 7 of 9, Mr. Pozerski responded to the question about the wetland delineation not Mr. Welch.

A MOTION MOTIONED to accept the 9/9/09 minutes as amended and was seconded and UNANIMOUSLY VOTED.

Lot 49 Martin Street – Public Hearing

Stephen Zeboski

Map 33, Block 425, Lot 49

Request for Determination of Applicability

A MOTION was made by Cmmr. DeGabriele to OPEN the public hearing and was seconded by Cmmr. Harbottle and UNANIMOUSLY VOTED.

Mr. Zeboski was present this evening.

Cmmr. Loring asked Mr. Zeboski to give the abutter notifications to Ms. Schloss.

Commissioner DeGabriele asked if the applicant was using alternative A or B. Mr. Zeboski noted that he is using alternative B.

Mr. Zeboski stated that the hay bales are up and that although he is close to the 100' no disturb zone, the work is outside of that zone. He noted that he had been before the Board of Zoning Appeals (BZA) and that case number is 3054.

Commissioner Harbottle commented about the topography. Mr. Zeboski stated that the topography of the land slopes down back even in the area where the home will be constructed so it will be a walk out. The excavation will be minimal. The machine can easily get around to the left side of the property as needed. The trucks pouring cement will be able to work without going around back.

Ms. Schloss stated that she had done a site visit. She stated that she would like to see the hay bales moved back some so that if some work behind the house is necessary this would allow for that.

Mr. Zeboski stated that there will be no concrete wall on the back of the house as it is a walk out. The hay bales may be moved back 20 feet for the work area.

Cmmr. Loring stated that this is a public hearing and asked if there was anyone present who would like to comment. There was no response.

Commissioner DeGabriele made a MOTION to CLOSE the Public Hearing was seconded by Commissioner Gowen and UNANIMOUSLY VOTED.

Cmmr. Gowen asked if the property will have a septic system. Mr. Zeboski noted that the home will be connected to town sewer.

Cmmr. Harbottle made a MOTION for a negative 3 determination that there is no impact on resource area and was seconded by Cmmr. DeGabriele with the condition that the hay bales be moved 20 feet from back of house for erosion control. UNANIMOUSLY VOTED.

1340 Washington Street – Public Hearing
Ryder Development
Map 35, Block 408, Lot 3
Notice of Intent – DEP File #81-1068

Ms. Harbottle disclosed that she has worked with Mr. Gaskell in the past and that she believes that she can make an impartial decision on this case.

Commissioner DeGabriele made a MOTION to OPEN the Public Hearing and was seconded Commissioner Harbottle and UNANIMOUSLY VOTED.

Mr. Rod Gaskell, Sitec, appeared before the Commission along with Ken Ryder, Ryder Development Corporation, the applicant.

Mr. Gaskell gave a presentation of the plan being proposed by his client.

Mr. Gaskell stated that the property is located off Route 53 near the Hingham line. He had an old historic aerial picture. He noted that there is currently a single family home that is in considerable disrepair. He pointed out that the property is in proximity to the Plymouth River Watershed area.

Mr. Gaskell stated that he visited the site three times. On April 22 he stated that he performed the first delineation. On July 1, 2009 the delineation had changed substantially. He noted that he performed soil borings and took samples. He stated that it was pouring rain on that date. On August 31, 2009 he visited the site to make final adjustments to the delineation.

Mr. Gaskell stated that an intermittent stream exists on the property.

Mr. Gaskell noted that the driveway would be crushed stone rather than asphalt.

Cmmr. DeGabriele commented on the 25' foot buffer/no build zone. He stated that on the plans it looks like the line goes through the residence.

Cmmr. DeGabriele noted that the town's ordinance states that no activity other than maintenance of an already existing structure can occur in this zone except with a variance. He pointed out that all the interests of the act must be satisfied; this information to be provided by the applicant. He also noted that there is a need for a variance with hardship

Mr. Ryder stated that the plan he is proposing will be a significant improvement over the existing conditions. He stated that he could renovate but the property is old and in need of substantial repair. He pointed out that the property is a large parcel of approximately three acres but most of it is wetland.

Cmmr. DeGabriele stated that he would need more information in order to determine if this is in the best interest of wetland protection.

Mr. Ryder stated that to renovate the property has limitations and the existing home is outdated and does not meet current code requirements.

Mr. Ryder stated that the property has 16,800 square feet of uplands.

Mr. Gaskell stated that there is always the alternative to do nothing. He agreed that doing nothing has the least impact; although there is impact from the cess pool which appears to be failing.

Cmmr. Dowd asked what the differential was between the existing structure and the one proposed. Mr. Gaskell stated that the proposed structure would be twice the size of the existing structure and would change from a one family to two family.

Cmmr. Harbottle stated that she would like to see documentation of how the boundary line was moved. She also would like to see the reasons for the hardship. She also noted that any proposed lawn should be low maintenance. She pointed out that there are a number of invasive species on the property.

Commr. DeGabriele questioned whether there was a hardship. Mr. Gaskell said the property was bought assuming it would be developed and the site is zoned R-3 which allows, by right, up to four units.

Mr. Ryder stated that he would look to clean out the culvert but would be willing to replace if needed.

There was discussion regarding the placement of the flags on the site.

Cmmr. Loring stated that this is a Public Hearing and asked if there was anyone who would like to comment. There was no response.

Cmmr. Loring asked for a recap of issues to be documented for the next hearing:

- Make a case for variance/hardship
- Make a case for increased building size
- Lawn fertilizer – condition that there be none
- Protocol for managing invasives in buffer enhancement area
- Specifications of crushed stone to be used
- Replace culvert

- No filling of wetlands
- Identify trees to be saved
- Locate cesspool and prepare protocol for decommissioning
- DPW memo/permit issues
- Add erosion controls to other side of road

Commissioner DeGabriele made a MOTION to CONTINUE the Public Hearing until November 18, 2009 and was seconded by Commissioner Dowd and UNANIMOUSLY VOTED.

81-1056 23 Ells Avenue – Certificate of Compliance

Commissioner DeGabriele made a MOTION to ISSUE to a Certificate of Compliance for 23 Ells Avenue and was seconded by Commissioner Harbottle and UNANIMOUSLY VOTED.

Conservation Report

- MBTA needs an extension for the Greenbush line Order of Conditions – request a report/update
- Flood plain maps – FEMA done some studies along the coastline, recommending some updates, Public Hearings will be held in the next few months – Planning Department
- Longstanding conflict between boatyard and abutter – power washing – discharge into the rivers – supposed to have permits. EPA, DEP and Coastal management involved.
- ID cards to identify self as Conservation Commissioner
- Appeals: Alexan, Pond Street sidewalk – 1st phase
- Enforcement Order: Randolph Street

The October 28, 2009, Meeting will begin at 7:30 P. M. at the Weymouth Town Hall.

Cmmr. DeGabriele moved to adjourn at 9:30 pm. Cmmr. Harbottle seconded.
UNANIMOUSLY VOTED.

APPROVED: _____
Laura Harbottle, Conservation Commission Clerk