

WEYMOUTH CONSERVATION COMMISSION
Town Hall Chambers
October 24th, 2007 Meeting

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

ALSO PRESENT: Conservation Administrator, Mary Ellen Schloss

Chairman Thompson called the October 24th, 2007 meeting of the Conservation Commission to order at 7:33 PM.

Approval of Minutes

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

File 81-977

Weymouth Woods

Performance Drive

Request for Partial Certificate of Compliance

Cmmr. Murphy moved to open discussion for the request of a Certificate of Compliance re. Weymouth Woods
Commr. Kent seconded.

UNANIMOUSLY VOTED

Ms. Schloss reported that the applicant, Weymouth Woods, was requesting a 'partial' Certificate of Compliance re. their Order of Conditions. She explained that in order to receive a full Certificate of Compliance two (2) full growing seasons were required to validate that their wetland replication was successful. She noted that the planting was done in the Fall of 2006 which means that the end of the two growing seasons would be in the Fall of 2008. At this point all of the other work has been completed. She further stated that she and Nick Thomas of Campiello did a walk-through of the property, along with the applicant's engineer from Cubellis. It was noted that some erosion controls still need to be removed - and the applicant confirmed this would be taken care of. She said she was out there again today and 'all looked good'. She was in agreement with the Board issuing a 'partial' Certificate of Compliance.

Chairman Thompson asked if they presently had a Certificate of Occupancy and the Administrator replied 'yes'.

Ms. Schloss went on to say that Mike Fabbiano of Cubellis spoke to her about the situation with the lender, explaining that a 'partial' might not be adequate.

It was agreed that a letter could accompany the Partial Certificate of Compliance, explaining the reason for the hold on the full Certificate of Compliance.

Cmmr. Murphy moved to issue a Partial Certificate of Compliance for File 81-977, Weymouth Woods, along with a letter of explanation for the lender.

Commr. Kent seconded.

UNANIMOUSLY VOTED

200 River Street - Public Hearing**Joseph Ciarlone****Map 3, Bl 3, Lot 57****DEP File # not available****Notice of Intent**

Mr. Shawn Hardy, PE representing the applicant, Joseph Ciarlone - came before the Board. He submitted the certified mailing receipts to the Administrator along with a revised plan to the Board. He explained that the applicant's proposal was for a pier system with a floating dock. He informed members that he had revised the initial plan based on his conversation with the Administrator and the policy re. small docks; i. e., those that fall below the 600-ft. threshold re. disturbance - realizing the license would now be good for a longer period of time. He also wanted to minimize the cost to the applicant. He explained that they extended the dock to 40 ft. and were able to remove two sets of pilings - and reduced the square footage of the floating dock from 720 S.F. to 528 s. f. - or 1/3 tide = floating. He confirmed that their goal was for affecting minimal impact to the resource area. The landing area would be placed on sonotubes and the size of the deck would be 10' x 14'; adding they are trying to meet the 5 ft. which is required. He described the dock as being aligned in the north - south direction to allow for the vegetation to grow, adding that they have found that it is pretty overgrown there. The sonotubes would be encased in concrete for minimal disturbance. He noted that the dock extends out 540 ft from the channel, slightly shorter than the other docks that are in the area. He explained that they are trying to get it to float as much as possible; emphasizing that part of it would always remain floating.

Chairman Thompson asked Ms. Schloss about the impact to the resource area, pointing out to the Administrator and applicant that since they don't have the file number or the Division of Marine Fisheries (DMF) comments, the hearing would have to be continued. He commented that he considered tonight's hearing a good first review.

Ms. Schloss asked Mr. Hardy to make sure to send the revised plan to the DMF and he agreed to do so. She went on to note that some of the float is still on the mudflat.

Mr. Hardy acknowledged this, adding that some of it would be but for a very limited time.

Ms. Schloss asked if there would be pilings in the salt marsh and Mr. Hardy replied 'no'.

Ms. Schloss stated that she had an issue with the area in general re. the cumulative impact, adding that some of it is 25'-30' along River Street. She then distributed pictures showing the area where the proposed float would go, commenting there was also debris there. She found it to be a very heavily impacted area. She said she was looking for minimal impact and was concerned with storage on the marsh.

Mr. Hardy told Ms. Schloss that Mr. Ciarlone had left nothing in that area, adding that he just got married and that was why he wasn't present this evening. He said they are trying to stay above the 5 ft. height requirement, noting that before they had 90 ft. (6 x 90) of removable floats and now have 58 ft. (6 x 58) - and that 6 x 30' of the dock would be floating.

Ms. Schloss asked if it was the applicant's intent to remove the floats below to the walkway every Winter and Mr. Hardy replied 'yes'.

Chairman Thompson asked if the aluminum gangway lifted up and Mr. Hardy responded 'yes'.

Ms. Schloss asked if they had a place for it to be stored off-season and Mr. Hardy told her that Mr. Ciarlone would be willing to move it, adding the Commission could 'condition' that.

Cmmr. Coven asked about applicant refurbishing the area that's been impacted.

Ms. Schloss suggested some plantings.

Chairman Thompson asked if that was their property where the litter was.

Mr. Hardy acknowledged that there was debris there and he believed Mr. Ciarlone would be willing to remove it.

Chairman Thompson commented that based on his personal experience, he has found that when floats are usually stored there the grass always grows back.

Commr. Kent interjected that he presently lives nearby and in his experience, the degrading of salt marsh is at its lowest point of elevation and has nothing to do with the docks or pilings - but the cause is the flow of the water. He felt they needed to be clear regarding the impacts of the docks. He stated that he stores docks on his property and has found that in the Fall its gets packed down, but when they are removed all the vegetation returns. He informed members that the wave action is causing him to lose banking on his property - from 6" to 12" a year. Based on that he felt the Commission needed to be clear on what they can and can't protect.

Chairman Thompson stated to sum that up they need to make sure they are talking about the applicant's property, then check to see if the bank is being destabilized by erosion. He said that requiring the planting Rosa Rugosa to stabilize the bank is another matter.

Mr. Hardy agreed to leave the area undisturbed.

Commr. Kent referred to the area along the pier portion, close to the mean high water mark and if there is any substantial ice flow. He said he would be concerned about putting a 4' x 4' or 6' x 6' structure there - adding that he would rather see a pair of pilings. He pointed out that ice can push the other up in high tide.

The hearing was opened to the public. No one spoke.

Chairman Thompson recommended continuing the hearing to the next meeting on November 14th.

Mr. Hardy said he would add another set of pilings and then forward the info to the Division of Marine Fisheries.

Ms. Schloss said she would first like to discuss the construction methods and the erosion controls. She noted that they eliminated trees for the dock and asked if this would cause erosion.

Mr. Hardy noted that there was a small bush there, which they will trim back - confirming there would be no stumping or grubbing.

Cmmr. Murphy moved to continue the public hearing for 200 River Street to the next meeting scheduled for November 14, 2007.

Commr. Kent seconded.

UNANIMOUSLY VOTED

219 Sheri Lane - Public Hearing

Erin Cunningham

Map 64, Bl 637, Lot 23

DEP File # Not Available

Notice of Intent

Mr. Shawn Hardy, PE came before the Board. He represented the applicant Erin Cunningham who was also present. He explained that the proposal called for construction of an in-ground swimming pool, which would include the removal of trees and some grading. He told members that the house was built in 1995 and that there was a drainage easement 15-ft. wide to the right of the house in an upland area. He noted that if the easement wasn't there the pool could be 5 ft. closer. Also on the plan he noted an existing swing set. He explained that all of the proposed work is located within the yard. Additionally, the trees they propose to remove are also on the plan. He explained that some of the trees have exposed roots and limbs overhanging the roof, which present a safety concern to Ms. Cunningham. He further described the property as having wet land behind the house which doesn't have much of a chance to dry out.

Chairman Thompson asked if they were applying for a 25 ft. Waiver re. the setback.

Mr. Hardy showed the plan to the Board with a similar wetland line, explaining that the wetland line is now creeping up and he thought that the water from the subdivision was coming down. Based on that he confirmed that they were requesting a 25-Foot Waiver.

Chairman Thompson asked if the wetland line was increasing due to the drainage easement and Mr. Hardy replied that it was.

Chairman Thompson then asked Mr. Hardy 'how can we negate and minimize the affect?'

Mr. Hardy replied that the applicant would be willing to do some plantings in exchange for removing the trees. He stated that the yard slopes gently back to the wetland.

Ms. Schloss agreed there was a hardship and felt they could downsize the pool/apron. She told the Board that they had granted a Waiver to the people next door for their pool. She agreed that they should ask for plantings' i. e., shrubs and seed mix. In addition she wanted to request that the applicant leave the area in its natural state and not disturb it.

Mr. Hardy told members that they can't go back much further.

Chairman Thompson said that if he recalled, the next door the owners had a disabled child and the pool was needed for swim therapy. He said that if the Administrator is OK with the request for the Waiver, then he was amenable to it also.

Cmmr. Coven asked if there was any room for additional trees and Mr. Hardy pointed out that it was a pretty small area back there, adding that the yard is very close to the tree line. He restated that the limbs were overhanging the house - and the insurance company had concerns about that (in reference to his request to the removal of trees due to their exposed roots and the limbs overhanging their roof).

Chairman Thompson asked if it was possible to do some type of a posting there delineating the wetland area they wanted to protect.

Ms. Schloss noted that they have used this type of signage in the past in the buffer zone.

Mr. Hardy said they were certainly willing to delineate the 25-ft. line, but wanted to be clear that part of it would come into the house.

Cmmr. Coven suggested they place bushes right along that area instead of a sign to deter people from trespassing there.

Chairman Thompson asked about plants and Ms. Schloss suggested blackberry and raspberry bushes, which provide a barrier as well as wildlife food. She also recommended Grey Dogwood and again a variety of berry bushes that they could include in the Order of Conditions. He pointed out that they were proposing to remove quite a few trees.

Mr. Hardy acknowledged this, stating they want to remove total of (7) trees and said they could fill this area with raspberry and blueberry bushes, etc. as suggested.

Ms. Schloss recommended the addition of plants and signage - or just plants.

Chairman Thompson agreed with the plants, asking the Administrator how many she would recommend.

Ms. Schloss replied at least (2) dozen shrubs - or possibly (3) shrubs for each tree that is removed.

Ms. Cunningham agreed to replace the trees with 24 bushes/shrubs.

Cmmr. Murphy commented that it sounded like a lot.

Members discussed the appropriate number and decided to hold off on a firm number until the next meeting.

Commr. Kent questioned removal of some specific trees.

and Mr. Hardy clarified that they were proposing their removal because the roots were exposed and it was a safety hazard.

It was agreed that the members would make a site visit prior to the next meeting. They also discussed the addition of a fence.

Cmmr. Murphy moved to continue the hearing for Erin Cunningham, 219 Sheri Lane to November 14, 2007.

Commr. Kent seconded.

UNANIMOUSLY VOTED

File 81-881

MBTA

Request for an Extension to Order of Conditions

Cmmr. Murphy moved to open discussion on File 81-881/MBTA.

Commr. Kent seconded.

UNANIMOUSLY VOTED

Ms. Schloss informed members that the MBTA was just finishing up their work re. Greenbush and needed one last extension. Plans are to have the trains running on 10/31/07.

Commr. Kent moved to issue a one-year extension to MBTA's Order of Conditions - File 81-881.

Commr. Murphy seconded.

UNANIMOUSLY VOTED

Ms. Schloss told members that she received a call from Herring Warden George Loring re. the East Weymouth Station. It was noted that the drainage swale goes right into the river and is 40 ft. away from a natural depression. Mr. Loring would like to see the water sent into the natural depression area, but at this point it appears it may be too late. She has run it by Holly Palmgren of the MBTA.

Other Business

a) Community Preservation Application - Discussion

Commr. Coven discussed the 'conservation' acreage located off Route 18 and Park Avenue called "Bradford Torrey Bird & Wildlife Sanctuary". He thought the members should take a site visit, adding he would also like to speak with the abutters to see if they have any concerns re. the area. In addition he would like to learn about its history for the signage. Lastly, he would like more info re. cost and parking possibilities (possibly 10 spaces).

Chairman Thompson thought there would be access from Mediterranean Drive.

Commr. Murphy said there also might be motor vehicle access, noting that the Cross Country team for Weymouth High School uses it.

Members were very enthusiastic about pursuing recognition/use of the conservation land for the public, noting the accumulated acreage was in the vicinity of 80-100 acres (67 acres were conservation and the balance were attributed to Schools and Parks).

Commr. Coven wanted his fellow Commissioners to review it further. He told the Commission that he attended the Conservation Conference last week and during one of their seminars they discussed Open Space. He said he would like to get an Engineer to map out pathways without making it too obtrusive.

Ms. Schloss told members that she spoke with Bob Luongo/Planning Dept. and the possibility of receiving funding through the Conservation Preservation Act for this purpose. In their conversation, she discovered that they are not permitted to spend money on rehabbing land/facilities - and that there was a limit on what could be spent with CPA money. She thought they would be acceptable if they proposed to create new trails or parking. She told members when they write their proposal they want to be accurate with the information they supply as well as have all their facts in place. She suggested they might also want to think about hiring a consultant with regard to creating the map.

b) Coastal Pollution Remediation Grant

Ms. Schloss told members that she received an email from the state re. the Coastal Pollution Remediation Grant. She learned that they would need to prepare an application. She said she did one last year re. Assessment & Design for Improving Storm Water Management along the Herring Run, commenting they would need to focus on the area that needs attention - and although they didn't get that particular grant, they did well as they ended up at the top of the list. She said they could resubmit the same info, but just with a little more tweaking to be considered again.

The Board supported this idea.

Approval of September 26th, 2007 Minutes

Commr. Coven moved to accept the 9/26/07 minutes as amended.

Commr. Kent seconded.

UNANIMOUSLY VOTED

Other Business (cont'd)

CPC Recommendation re Purchase of Ryder Property

Commr. Coven told members that the Town Council would be meeting and making a decision in regard to the CPC's recommendation to purchasing the Ryder property. He was in favor of it and felt the Commission should support it.

Commr. Gowen, as the Commission's representative on the CPC (Community Preservation Committee), told members that Jim Wilson, the Town's CFO was involved in the proposed value on the property. Ken Ryder was hoping for \$500,000 as the Town's purchase price, but it was assessed at \$300,000.

Chairman Thompson requested the Administrator forward a letter to the Town Council stating the Conservation Commission was in support of the CPC/Town purchasing this property.

It was noted that the Town Council would be voting on this matter 10/29/07.

Ms. Schloss referred to **File 81-870/N. E. Wildlife Sanctuary**. She reminded members that years ago the Commission approved the Certificate of Compliance for this property, pending removal of erosion controls - but this was never done. Tonight the Board needed to sign this document.

MWRA Update - Ms. Schloss referred to the MWRA Betonite issue, noting that this has still not been resolved - but is being worked on.

Alroy Road

Ms. Schloss reported that the Alroy Road situation pertained to encroachment onto Town-Owned Property - and they had requested the DPW survey the property. This was done and the DPW found that there was quite a bit of encroachment. She will be issuing a violation notice.

169 Randolph Street

Ms. Schloss told members that she sent the new owner a Cease & Desist Order, but the owner never picked it up from the post office. She informed the Board that the owner has been cutting brush there again and that further action might need to be taken. She further reported that the owner has a back lot and did a lot of clearing there without permission and when contacted did not tell the truth about what he had done. She said they might want to request plantings, adding she saw it all as part of the education process.

Video from Mass. Assoc. of Conservation Commissions

Ms. Schloss received a video from the MACC and felt it would be a good idea to show this video on cable TV to educate the public, with possibly the Chairman hosting it.

The November 14th, 2007 meeting will be held at Weymouth Town Hall/Town Council Chambers at 7:30 PM.

Adjournment

Commr. Murphy moved to adjourn at 8:55 PM and to meet again on Wednesday, November 14th, 2007.

Commr. Kent seconded.

UNANIMOUSLY VOTED

Respectfully submitted,

Susan DeChristoforo
Recording Secretary

APPROVED: _____
Scott Coven, Clerk

DATE: _____