

TOWN CLERK

Weymouth Conservation Commission

Council Chambers, Town Hall

October 26, 2011 Meeting

Present: George Loring, Chairman
Scott Dowd, Commissioner
Laura Harbottle, Commission Clerk

Not Present: Steve DeGabriele, Vice-Chairman

Also Present: Mary Ellen Schloss, Administrator

Recording Secretary: Patricia Fitzgerald

Cmmr. Loring called the October 26, 2011 meeting to order at 7:00 PM in the Council Chambers at Weymouth Town Hall.

Minutes

Minutes were tabled until the next meeting.

**Tirrell Woods, 100, 200, 300 Justin Way-Continued
Partial Certificate of Compliance
Ryder Development Corporation
DEP File #81-1033**

Al Trakimas of SITEC Environmental appeared before the Commission to request a partial Certificate of Compliance. He distributed photos that were taken Oct. 26th and stated that he prepared an as-built for a portion of the roadway and the sediment basin at the intersection of Sportsman's Way and Justin Dr. He updated the Commission on the following:

- The draft plan submitted earlier in the week had some minor revisions and included a calculation of the size of the replication area which turned out to be a "couple of hundred square feet more, rather than less".

- The bottom third of the culvert crossing needs to be filled, once water levels are down.

He also explained the photos taken on Oct. 26th:

- Page 1: Picture of driveway crossing.
- Page 2: Vegetation needs to be cut in the sediment basin.
- Page 3a: Vegetation is in on the building side of Justin Drive.
- Page 3b: The main retention basin, showing taller grass that will need to be cut in the spring.
- Page 4a: Replication area looking toward the south west.
- Page 4b: Replication area looking toward Sportsman's Way, towards the east.

Atty. Greg Galvin spoke, adding that they also needed to demonstrate compliance with Paragraph 29 of the Order of Conditions.

He continued, saying the deed to convey the permanent open space to the Town was drafted and given to Town solicitor George Lane, but he did not examine Paragraph 29, so did not include the portion of parcel 32-410-9 that is northwest of the utility easement; the deed he prepared included what was left of the Nash property, but Ms. Schloss saw that the portion of lot 410-9 was not included. He remarked that Ken Ryder said it should be included in the deed, and it will require a Form A plan to subdivide the property. He commented that to take out the area that includes the condominiums (with Form A plan approved by the Planning Dept.) he can add to the existing deed and said that Mr. Trakimas will be asked to prepare the Form A plan. He stated they are looking for a Partial release for Building 1 (100 Justin Way).

Ms. Schloss said she talked to Ken Ryder and he said there was a misunderstanding and everything northwest to the easement shows as open space and the deed needs to be revised to include that additional (9) acres or so.

Ms. Schloss said the (2) issues are:

- The land that is being deeded to the Town that Mr. Ryder currently owns.
- The Graziano piece on which Mr. Ryder has a long term lease with an option to purchase (for which was asked a proof of recording that has not been provided). Attorney George Lane said that an agreement is needed between the Town and Mr. Ryder for this piece of land.

What followed was a discussion about the issuance of a Partial Certificate of Compliance; Ms. Schloss explained that Mr. Ryder was looking for COC on Building 1 only.

Mr. Galvin said they have agreements on Bldg. 1 and want to close next week. He stated the mortgage companies will be uncomfortable if no Partial COC has been issued, adding that they will have to come back as there is still work to be done on (7) other buildings.

Cmmr. Harbottle asked if the Partial COC could be issued and held for the as-built plan.

Ms. Schloss said she was comfortable with the replication area and no bond would be needed, but was not comfortable with the stormwater system as there have been some changes made. She added she had no issues with the building being occupied (the Building Dept. issues this document), but was not sure they were in compliance (which is strictly under the jurisdiction of Con Comm).

Cmmr. Dowd asked how long the Form A plan would take.

Mr. Galvin replied that it would be filed in (2) weeks or at least in December.

Cmmr. Harbottle moved to issue a Partial Certificate of Compliance for Building 100, Justin Way Tirrell Woods ONLY (to include no other buildings or portions of the project), seconded by Cmmr. Dowd.

UNANIMOUSLY VOTED

80 Idlewell Boulevard – Discussion

Shed Removal

Owner, Marietta Mallery

Ms. Schloss explained that this shed is a former boat house adjacent to the Fore River, on the coastal beach. Instead of having the owner submit a Request for Determination Application, they have come in for a discussion to see if a letter of agreement could be written for the shed removal.

Daughter Monique said that there is a gate at the front of the house and the plan is to back up to the shed and put it on a truck.

Mrs. Mallery said the shed has 4 walls and a roof, but no flooring.

Cmmr. Loring asked if the area will be revegetated.

Monique asked what the planting requirements are.

There was a discussion about what plants to use and the affect the tide would have on the success of the planting. Cmmr. Harbottle recommended they use the same plants as are there now.

Ms. Schloss stated that current vegetation includes seaside goldenrod, saltmarsh lavender and high tide bush. She suggested planting high tide bush, which can be planted in November.

Cmmr. Harbottle stated that no vehicles will be allowed on the beach.

Everyone agreed that they were comfortable without a formal filing.

Ms. Schloss said she would issue a letter to the Building Dept. describing the Commission's conditions; she also told Mrs. Mallery she would need to wait for the letter before beginning the shed removal.

1340 Washington St.

Al Trakimas of SITEC Environmental, asked the Commission if he could give an update on 1340 Washington Street, while he was in the Chambers, relative to the Commission's October 13th Notice of Violation.

He said he took pictures Oct. 26th, but did not go in.

He said the house that used to be there was on a cesspool, which was in back and on the edge of the wetland area, and it also failed

The house is gone and all has vegetated, over the last 1-2 years.

Regarding the violation:

- Disturbed soil area, on other side of the erosion controls, has been loamed.
- Seed mix is down and will probably vegetate in the spring (it is all on the wetland side of the erosion controls).
- Certification will be provided regarding the erosion controls.
- Stakes that have pink and orange flagging are ones the surveyors put in.

Regarding the discrepancy between the approved and the installed erosion control lines, Mr. Trakimas said he wants to track down the number of feet in the buffer zone. He stated he realizes there was a (25) ft. no-build area, adding that the good thing is, it predominantly grassed area with some low underbrush and no trees have been removed. He added that the area is a few feet into the flat, underbrush area, so there is no erosion or sediment getting out to the wetlands and it should revegetate well.

Mr. Trakimas stated that he is working on a letter to address all (4) items, but he does not see anything detrimental in the buffer zone area, and it is "just a few feet".

Cmmr. Dowd commented that the proposal barely squeaked by and the skepticism was whether or not the structure could be built with the small amount of space (and the Commission was very clear about that) and, because it was (7) ft. instead of (2) ft., Cmmr. Dowd requested that a violation notice be issued.

Mr. Trakimas responded that the area is flat but he still needs to find out how it happened.

Cmmr. Dowd stated that the Commission's greatest concern about the project turned out to be true.

Mr. Trakimas said he is in agreement.

At this time Cmmr. Harbottle asked to be excused, so most of the remaining items on the agenda were tabled.

Other Business/Conservation Report

1420 Main Street: Ms. Schloss said this was the gas station with the motorcycles; Richards Auto. The fill was removed in December 2010. The Administrator wanted to give it another growing season and she is comfortable with closing it out now.

Cmmr. Dowd moved to release the Sept. 2009 Enforcement Order to Mr. Bruce Richards at 1420 Main Street, Map 57, Block 626, Lot 3, seconded by Cmmr. Harbottle. UNANIMOUSLY VOTED

65 Park Avenue West: Ms. Schloss reminded the Commission that this was a Notice of Violation on the property where the owners had cut down the hill; she confirmed that the area has become revegetated.

Cmmr. Dowd moved to send a letter to the owners that they have complied with the notice, Cmmr. Harbottle seconded. UNANIMOUSLY VOTED

Adjournment:

Cmmr. Dowd moved to adjourn the meeting at 8:05 PM and to meet again on November 9, 2011 **at 7pm in Town Hall Council Chambers**, seconded by Cmmr. Harbottle. UNANIMOUSLY VOTED

Respectfully submitted,

Patricia Fitzgerald

Approved:

Laura Harbottle, Conservation Clerk

Date