

**CONSERVATION COMMISSION
RECORD OF MINUTES AND PROCEEDINGS
WEYMOUTH TOWN HALL COUNCIL CHAMBERS
October 28, 2009**

PRESENT: George Loring, Chairman
Adrienne Gowen, Commissioner
Laura Harbottle, Clerk
Scott Dowd, Commissioner
NOT PRESENT: Steven DeGabriele, Vice-Chairperson
ALSO PRESENT: Mary Ellen Schloss, Conservation Administrator

Commissioner Loring called the October 28, 2009 meeting to order at 7:30 PM in the Council Chambers of Weymouth Town Hall.

Minutes for approval and signature

9/9/09 minutes for signature, 9/23/09 and 10/13/09 for review and approval

A MOTION was made by Cmmr. Gowen to ACCEPT the 9/23/09 minutes as amended and was seconded by Cmmr. Dowd and UNANIMOUSLY VOTED.

A MOTION was made by Cmmr. Harbottle to ACCEPT the 10/13/09 minutes and was seconded by Cmmr. Dowd and UNANIMOUSLY VOTED.

**81-1066 West Lake Drive/Essex Street Replication Project
Continued Hearing**

The applicant requested that this hearing be continued.

A MOTION was made by Cmmr. Harbottle to CONTINUE the public hearing until 12/9/09 and was seconded by Cmmr. Dowd. UNANIMOUSLY VOTED.

38 Ocean Avenue

Paul Brooks

Map 4, Bl 49, Lot 10

Request for Determination of Applicability

A MOTION was made by Cmmr. Harbottle to OPEN the public hearing on 38 Ocean Avenue and was seconded by Cmmr. Gowen and UNANIMOUSLY VOTED.

Mr. Brooks submitted the abutter notification list. He stated that he would like to add a bedroom to the first floor of his home. He noted that his property is in a buffer zone.

Ms. Schloss stated that this property is within the 100' buffer of the coastal bank. She stated that erosion control should be installed between the coastal bank and the excavation for the foundation. She noted that no vegetation is being removed.

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

A MOTION was made by Cmmr. Harbottle to ISSUE a Negative 3 determination with conditions for erosion control and was seconded by Cmmr. Dowd and UNANIMOUSLY VOTED.

**81-881 MBTA Greenbush
Extension to Order of Conditions**

A MOTION was made by Cmmr. Gowen to OPEN the public hearing for MBTA Greenbush and was seconded by Cmmr. Harbottle and UNANIMOUSLY VOTED.

Dr. Lars Carlson, of Jacob's Engineering appeared before the Commission. He stated that although the trains are up and running the project is not completed therefore a two year extension is requested.

He stated that the purpose of this evening's presentation is to give a brief update on the project. He noted that the Durante site is adjacent to the train property. He stated that proposed mitigation is to excavate the upland area and do a salt marsh restoration to create low marsh at an elevation of 4.5 feet.

He stated that construction was halted when contamination was found on-site. Because the contractor Cashman/Balfour/Beatty (CBB) has essentially completed the project this will be put out to bid this spring as a stand-alone project. This project will be based on the CBB plans.

Cmmr. Gowen asked if this was a request for a one year or two year extension. Ms. Schloss noted that the Commission usually issues one year extensions. Dr. Carlson noted that the MBTA is exempt from local ordinances.

Cmmr. Loring noted that the Commission is acting on the Department of Environmental Protection (DEP) permits.

Cmmr. Harbottle asked how long it will take to complete the project. She also asked what type of contaminants were found.

Dr. Carlson stated that he expects the project to take about 8 weeks for grading in the spring/summer, then the site was left fallow for a period and then the planting would take about 2 weeks in the fall.

Cmmr. Dowd noted that this site is adjacent to a migratory fish route. He pointed out that these fish are sensitive to grading and disruption in regards to silt in the water. He questioned if the National Marine Fisheries and Weymouth Herring Run Commission have been contacted.

Dr. Carlson stated that work will not to be done during Herring season; this is already in the permit. The season runs from March 15 through June 15. He noted that he will consult with Brad Chase from Division of Marine Fisheries.

Cmmr. Dowd asked if the Back River Plan has been taken into consideration for this project.

Dr. Carlson stated that the existing bridge is to be maintained and the trail will run along the upper edge.

Dr. Carlson noted that the contaminants found were hydrocarbons, PCBS, arsenic, lead, and Petroleum hydrocarbons; these are common contaminants for the type of industrial use that was previously located on the site.

Ms. Schloss noted that the ultimate goal after the clean-up is for property to be turned over to the town

Ms. Schloss asked about the Narragansett slope. Dr. Carlson stated that Jersey barriers were put up for safety.

Ms. Schloss asked if there are regular inspections. Dr. Carlson stated that this is done by Mass Bay Commuter Rail (MBCR).

Ms. Schloss asked about the outfall from the storm water management system at the East Weymouth Station and the swale that handles the discharge from the parking lot. She stated that rip rap put up at the base of the slope seemed to be missing stones.

Dr. Carlson stated that rock had been placed with spacing left for vegetation to grow through.

Cmmr. Dowd noted that there is a problem with the free hand out material being improperly discarded. Cmmr. Loring noted that this distribution cannot be prevented due to first amendment rights. Also, trash receptacles are not allowed due to concerns regarding bombs.

There was discussion on whether to issue a 1, 2, or 3 year extension.

A MOTION was made by Cmmr. Harbottle to ISSUE a 2 year extension and was seconded by Cmmr. Dowd. UNANIMOUSLY VOTED.

Other Business

- Discussion regarding meeting time change. The next meeting will begin at 7pm.
- 2010 schedule
- Land sales – discussion of a number of parcels that are owned by the town and may be auctioned.

Conservation Report

- Shellfish seeding
A MOTION was made by Cmmr. Harbottle to TRANSFER funds not to exceed \$5100.00 to the Harbor Master to pay for labor and other expenses for shellfish seeding and was seconded by Cmmr. Dowd. UNANIMOUSLY VOTED.
- Salt marsh restoration near Great Esker Park
- MACC Conference topics included enforcement and property owner notification of site visits
- Docks and Floats – unauthorized placement
Mailings, Cable TV, Weymouth News for education purposes to inform residents about permit requirements
- Tirrell Woods – permanent preservation of land
- Ocean Management Plan put out by the State
- Thayer Academy Environment Club available for a clean up 11/8/09 or 11/15/09
- Norfolk County Mosquito Control – cleaning out a culvert behind DCR skating rink.

The November 18, 2009, Meeting will begin at 7:00 P. M. at the Weymouth Town Hall.

Cmmr. Harbottle moved to adjourn at 10:00 pm. Cmmr. Gowen seconded.
UNANIMOUSLY VOTED.

APPROVED: _____
Laura Harbottle, Conservation Commission Clerk

Respectfully submitted: Janet Murray, Recording Secretary